Cambridge
Historical Series

HISTORY OF SCOTLAND

P. HUME BROWN

To Robert Robertson
from the author

Sept. 1909

Cambridge Historical Series

EDITED BY G. W. PROTHERO, LITT.D.

HONORARY FELLOW OF KING'S COLLEGE, CAMBRIDGE.

HISTORY OF SCOTLAND

VOLUME III

CAMBRIDGE UNIVERSITY PRESS
London: FETTER LANE, E.C.
C. F. CLAY, MANAGER

Edinburgh: 100, PRINCES STREET
Berlin: A. ASHER AND CO.
Leipzig: F. A. BROCKHAUS
New York: G. P. PUTNAM'S SONS
Bombay and Calcutta: MACMILLAN AND CO., LTD.

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HISTORY

OF

SCOTLAND

VOL. III.

FROM THE REVOLUTION OF 1689

TO

THE DISRUPTION, 1843

BY

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CAMBRIDGE:
AT THE UNIVERSITY PRESS
1909

Cambridge:
PRINTED BY JOHN CLAY, M.A.
AT THE UNIVERSITY PRESS.

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ERRATA.

P. 96, note. *For* Archibald, second Duke of Argyle, *read* John, second Duke of Argyle.

P. 157. *For* Whitham *read* Whetham.

BOOK VII.

The Age of Secular Interests.

CHAPTER I.

WILLIAM AND MARY, 1689—1694.

WILLIAM, 1689—1702.

I. Re-establishment of Presbyterianism, 1689—1690.

From the Reformation to the Revolution, considerations of religious creed and church government had been the determining factors in the history of the Scottish people. With the Revolution we enter on a period the impelling forces of which mark it clearly off from all preceding stages of the national development. Questions of the divine origin of the various forms of church polity still continue to be favourite subjects of controversy, but they no longer determine public policy; henceforward it is on the simple ground of expediency that successive Governments deal with ecclesiastical questions. More and more the nation becomes preoccupied with interests which involve a transformation of its aims and ideals. By the Revolution Scotland was placed in new relations with the world at large, which at once carried her out of herself and impelled her into energetic rivalry with other nations. Economic interests now over-ride

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questions of theology, and the nation expends its enthusiasm not over any renewal of the Covenants but over a commercial enterprise the object of which is mere material prosperity. From the sharpness of its contrast with the period between the Reformation and the Revolution, the period now before us may be distinctively designated the age of secular interests.

The Revolution gave William no such commanding position in Scotland as the Restoration had given to Charles II. Though with varying degrees of cordiality, all classes of the country had welcomed Charles to the throne of his fathers. Strong in this support, he was enabled at the outset of his reign to impose a government on the country which reduced the Parliament to a "Baron Court," and made the Privy Council the all-powerful instrument of his will. Very different were the conditions under which William undertook the administration of the kingdom. Two or three excepted, there was not a great Scottish noble on whose fidelity he could depend; and the majority of the lesser barons and gentry were his equally dubious subjects. He had likewise to reckon on the persistent opposition of the Episcopalian clergy. In England the great majority of national churchmen had welcomed the Revolution, secure in the popular support which would leave William no choice but to continue the existing Establishment. In Scotland the Episcopal church set up by Charles II had no such popular feeling behind it, and from the very conditions under which William became King of Scotland it might seem that he must be the necessary instrument of its doom. As far as circumstances would permit, William did his best to conciliate the Episcopalian section of his subjects, but no terms he could offer could make up for what they had lost, and to the end they regarded him as an unwelcome usurper who had sacrificed them to the exigencies of his position. It was on the main body of the Presbyterians that the stability of William's throne depended, yet there were special circumstances connected with the Presbyterians that

seriously affected the value of their support. During the recent reigns the higher nobility had as a body been alienated from Presbytery; and, as the past history of the country had shown, it was only when headed by the nobility that Presbytery had been able to display its full strength. Moreover, the old fatal divisions still cleft Presbyterianism in twain. The Cameronians demanded a religious settlement which William could not have granted without alienating every other section of his subjects; and, disappointed in what for them was to have been the chief result of the Revolution, they refused to act in concert with their brother Presbyterians. If opinion was thus divided in the Lowlands, the disposition of the Highlands was still less satisfactory for William. In the Highlands actual rebellion broke out against his government; and during every year of his reign there was the possibility of renewed revolt. To these sources of weakness within his kingdom has to be added the menace of invasion in the interest of the exiled King—a menace which kept permanently alive every element hostile to William. In truth, what Viscount Dundee wrote to a correspondent, while William's first Scottish Parliament was sitting, expressed a general feeling which influenced men's minds in all their relations to the Revolution settlement. "I am sorry your Lordship should be so far abused as to think that there is any shadow of appearance of stability in this new structure of government these men have framed to themselves[1]."

It was under these conditions that William's first Scottish Parliament met on June 5th, 1689. Before it met he had already appointed his Privy Council 1689 —the first act that showed that he meant to take a firm stand on his prerogative. By the arrangement now made, there was to be no English section of the Council sitting in London such as had existed since James I had migrated to England. As Secretary, William chose Lord Melville, a moderate Presbyterian, who in the late reign had been driven to seek refuge

[1] *Letters of John Graham of Claverhouse* (Ban. Club), p. 70.

in Holland; and it gave rise to some dissatisfaction that he retained the Secretary in London—an arrangement which in the case of Lauderdale had made Charles II the absolute master of the Council[1]. During the reign of William, however, the Privy Council was to play no such important part as in the reign of his immediate predecessors. It was in open Parliament that every important measure was to be discussed; and, as was speedily to be proved, a Scottish Parliament was not to be the docile instrument it had been in the hands of the later Stewarts.

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The Parliament that now met was the same Convention which, after the removal of its Jacobite element, had unanimously offered the Crown to William and Mary. The spirit of unanimity, however, no longer possessed it when it sat as the first legalised Parliament of the new King. From various causes there was wide-spread dissatisfaction among its members. The Duke of Hamilton, who had been president of the Convention, was appointed Royal Commissioner; but, from a well-founded conviction that the office was meant to be an empty honour, he had accepted it with a grudge, and discharged its duties in a fashion that made William regret his choice[2]. The persons to whom was entrusted the conduct of the Parliament were the Earl of Crawford, its President, and Sir John Dalrymple, the new Lord Advocate. That William found it politic to couple these two men in the conduct of Scottish affairs is a notable proof of the difficulties of his position. Crawford was the solitary Scottish noble with strongly pronounced Presbyterian sympathies; and the one warning he never ceased to re-iterate was that William would not sit secure on his throne till Presbytery was the established religion of the country. To Dalrymple forms of government, secular or ecclesiastical, were equally indifferent. In the previous reign he had supported James

[1] *State Tracts of the Reign of William III* (1707), Vol. III. 473.

[2] *Leven and Melville Papers* (Ban. Club), pp. 21, 78.

in the assertion of the dispensing power—an action from which even Sir George Mackenzie had shrunk. Thus identified with the most flagrant of all the late King's political offences, Dalrymple was an object of detestation to all who had heartily sought the Revolution. Yet the event proved that William did not err in choosing him as his chief Scottish minister. Only a man with the special gifts of Dalrymple—courage, ready speech, and a cold, clear, and large intelligence—could have held the balance between the contending parties that strove each for its own interests in the impending settlement of Church and State.

The Parliament had no sooner sat than Dalrymple became aware that all his powers would be tasked to maintain the degree of authority which William meant to claim as his right. There were three classes of members on whose opposition he had to reckon. There were those of Jacobite sympathies whose sole aim was to make as much mischief as possible for the new Government, and there were ardent Whigs who wished to draw profit from the Revolution by curtailing the prerogative and enlarging the privileges of Parliament. Lastly there was a section of dissatisfied politicians who were ready to identify themselves with Jacobite or Whig, if only they might have their revenge on those whom they considered their successful rivals. Chief among these malcontents was Sir James Montgomery of Skelmorlie, who had been one of the three Commissioners sent to offer the Crown to William, and who had looked for the office of Secretary which had been given to Melville. Under the leadership of Montgomery a systematic Opposition, known as the Club or the Country party, was organised against the Government. Its abettors regularly met in a neighbouring tavern to prepare their bills and to concert their tactics. Their opposition took two forms—a personal attack on the Crown officials, and a protest against what were declared to be infringements of the constitution. The dispute regarding the constitution turned on

the old controversy concerning the Lords of the Articles. Under the last Stewarts the grievance against these Lords had been that, as the nominees of the Crown, and with the powers that were at their disposal, they were virtually the dictators of the Estates. In his instructions to Dalrymple William had proposed a method of election that was meant to remedy this grievance. To make the Committee representative it was to consist of thirty-three members instead of twenty-four, the two Estates (the clergy being now expelled) each to choose eleven as representing the interests of the Crown; and the Officers of State were to be added as supernumeraries without election[1]. The Opposition refused to accept the proposal as an adequate remedy, and demanded the abolition of the system as a derogation from the dignity and the privileges of Parliament[2].

Such being the temper of the Estates, it was in the teeth of persistent opposition that the Government carried the measures with which it had been entrusted. Paramount among the questions that absorbed the public mind was the question of the settlement of the state religion. It was the recommendation of William that Presbytery should be restored if it found the strongest support in the nation[3]. But even among the three persons who represented his authority in Scotland there was division of opinion as to the time and the manner in which the settlement should be made. Crawford was eager that Presbytery should be set up at once; Hamilton, as usual, halted between two opinions; and Dalrymple, though favouring Presbytery, was disposed to wait upon events. The measure that was actually passed revealed the weakness or the uncertainty of the Government. Episcopacy was abolished, but Presbyterianism was not put in its

[1] *Acts of Parl. of Scotland*, IX. App. p. 132.

[2] *Ib.* p. 128.—The Government measure was rejected by a majority of ten. *Leven and Melville Papers*, pp. 80—1.

[3] *Leven and Melville Papers*, p. 2.

place—an impotent conclusion which cut off all the hopes of the Episcopalians, and left the Presbyterians with fears as lively as their hopes.

While the Parliament was in session, events were happening on which the fate of the kingdom depended. 1689
On the 13th of June Edinburgh Castle, the only stronghold then held for the exiled King, had been surrendered by its commander, the Duke of Gordon, but a more formidable champion than Gordon had raised the standard of James. When Claverhouse left the Convention in March, he retired to his place of Dudhope near Dundee; but the seizure of a letter written by James's minister, Melfort, convinced those now in authority that he could not be safely left at large[1]. Cited to appear and answer for his loyalty, he refused to obey the summons, and, on an attempt being made to surprise him, he took refuge in the depths of the Highlands. Fortune had now brought him precisely the occasion he could have wished for the display of his special gifts of mind and character. To the cause of James he was bound alike by instinct and interest, and he could now do that cause more heroic service than by exacting religious tests at the muzzle of the hagbut. He found ready to his hand the same support which his kinsman Montrose had turned to such good account in the service of his master. A numerous group of Highland chiefs were now as eager to draw the sword for James as they had been for his father Charles. During his commissionership in Scotland, James had made a deliberate effort to cultivate their good will; and, as it happened, there were special circumstances which led them to prefer his cause to that of William. In the late reign many of them had profited by the forfeiture of Argyle; but his son had identified himself with the Revolution, and might soon be in a position to claim his own[2]. The fear

[1] Balcarras, *Somers Tracts*, XI. 511—2.

[2] Mackay, *Memoirs of the War carried on in Scotland and Ireland* (Ban. Club), pp. 6, 18.

of losing their estates in the case of some, therefore, and hereditary feud with Argyle in the case of others, determined a formidable number of chieftains to respond to the call of Dundee when he presented himself as the Lieutenant-General of the exiled King. Among those who joined him were the Captain of Clanranald, Macdonald of Sleat, McLean of Dowart, Stewart of Appin, Cameron of Lochiel, Glengarry, Macdonald of Keppoch, Macneil of Barra, and (name of unhappy associations) Macdonald of Glencoe[1].

1689 The task of dealing with the insurrection was entrusted to Major-General Hugh Mackay, an experienced soldier, resolute and faithful, though without the genius to adapt himself to novel conditions of warfare. After some unimportant actions on both sides, and a game of marching and counter-marching in which Dundee from the nature of his troops had necessarily the advantage, the decisive trial of strength came on the evening of July 27th. The immediate occasion of the battle was a dispute for the mastery of the wide district of Atholl in the north-west of Perthshire. Its chief, the first Marquis of Atholl, had indicated somewhat indecisively his preference for the new Government; his son, Lord Murray, in spite of the solicitations of Dundee, openly acted in its interest; but the clan itself had a long-standing feud with the Campbells and sympathised with their enemies[2]. Contrary to the wishes of the chief, his castle of Blair was held by Stewart of Ballechin in the interest of James; and Lord Murray was beaten off in an attempt to recover it. Mackay and Dundee both recognised the importance of the place, and both resolved to put it to the stake of battle. At midnight of the 26th of July Mackay, while encamped near Dunkeld, received news that Dundee had entered Atholl from Badenoch. Setting forth at break of day, Mackay reached the Pass of Killie-

[1] *Letters of Claverhouse*, pp. 40—2.

[2] The first Marquis of Argyle had raided Atholl in the interest of the Covenant.

crankie about ten in the forenoon. After a halt of two hours he entered the pass, and on emerging from its head took up his position on the slope of a hill with the river Garry in his rear. Before these arrangements were complete, Dundee had appeared and occupied the higher slopes of the same steep ascent. For strategy there was little scope on either side, but from the nature of Dundee's troops the advantage of the ground was all in his favour. Mackay had at his disposal some 3000 foot and four troops of horse—the latter of little avail against such an enemy on a rough and steep mountain-side; Dundee had between 2000 and 3000 foot and one troop of cavalry[1]. For two hours the armies faced each other, and about half-an-hour from sunset the Highlanders rapidly descended the hill. Against their headlong onset the troops of Mackay were at hopeless disadvantage. Many of them were untrained levies, and their weapons had never been proved against such agile foes. Before they could fix their bayonets after discharging their fire[2], their line was broken and three-fourths of their ranks were in hopeless confusion. Two circumstances, however, saved Mackay from utter ruin. True to their inveterate habit the Highlanders no sooner saw themselves masters of the field than they fell upon the spoils; and under cover of night Mackay was able to cross the Garry with the feeble remnant of his host. Still more fortunately for the defeated commander, his victorious antagonist fell in the first onset of the battle; and his death turned a brilliant advantage into a fatal disaster[3].

[1] Dundee had expected several thousand men from Ireland; those who actually joined him consisted of a ragged band of 300, led by an officer named Cannon. The numbers on both sides are variously stated.

[2] The bayonets then in use were *bayonets-à-manche*, the handles of which were stuck into the muzzle of the gun. Mackay subsequently introduced the modern method of fixing the bayonet (*Memoirs*, p. 52).

[3] Mackay says that the enemy lost six to his one in the field (p. 59). The clans lost about 600 men.

1689

The first rumours of Killiecrankie bore only the news of Dundee's decisive victory; and the alarm of William's supporters proved how seriously they regarded the mischance. It was equally a tribute to the victor that the announcement of his death removed all apprehensions of immediate danger. The events of the next few weeks proved that with Dundee had perished every chance of James in Scotland. Four days after the fight at Killiecrankie a body of Highlanders in Perth were surprised by Mackay; and three weeks later there occurred an action in which another hero fell, and in which higher military qualities were displayed than at Killiecrankie. In the first zeal of the Cameronians for the Revolution, with the result of which they were afterwards so miserably disappointed, they were eager to bear a hand in the overthrow of the detested Stewart, and made overtures to the Government for officers and weapons that they might form a regiment of such of their followers as were willing to take military service. To form a regiment from such materials, however, was no easy matter. Their officers must be men of their own way of thinking, and the terms of their service must be such as left them free to fight wherever and whenever they pleased.

After negotiations, the most singular that ever attended the enlistment of any company of armed men, a regiment of Cameronians was at length embodied[1]. Its nominal head was the Earl of Angus, but its effective commander was his lieutenant, William Cleland. Cleland, it was said, was the only one among his enemies of whom Dundee was afraid, and he had at least reason to respect him as an equal foe. Cleland, though then only in his twentieth year, had fought with the insurgents at Drumclog, and it was mainly due to his precocious talent that Claverhouse and his dragoons had been

[1] M. Shields, *Faithful Contendings Displayed* (Edit. 1780), pp. 394 et seq.

put to rout[1]. With natural military genius he combined all the accomplishments of the time, and it was by his tact and zeal that the strange regiment had been induced to accept some of the conditions of military service[2]. Contrary to the advice of Mackay, who realised the dangerous nature of the position, the regiment was ordered to proceed to Dunkeld in the midst of a hostile country. Mackay's fears were fully justified; on the 21st of August, a few days after their arrival, they were beset by 5000 Highlanders, led by Colonel Cannon, whom James had appointed as successor to Dundee. The Cameronians were only 1200 strong, and the town was without defences, but Cleland displayed all the resources of a born commander. After desperate fighting the devoted band retired to the Cathedral and a mansion-house belonging to the Marquis of Atholl. The assailants, concealing themselves in the houses of the town, kept up a constant fire on the two last strongholds of the defenders. But the Highlanders had now met with foes very different from the untrained levies of Killiecrankie. The Highland Host was fresh in the memory of the religious enthusiasts, and it was as the enemies of God and man that they fought the heathenish race. When their ammunition failed, they tore the lead from the mansion-house; and a heroic sally made by a part of their company turned the event of the day. With burning fagots at the end of their pikes they set fire to the thatched roofs of the houses filled with their enemies, in some cases turning the keys of the doors. In one house sixteen are said to have perished. For four hours the struggle continued, but at length the assailants refused to face their terrible foes and retreated in disorder across the neighbouring hills, the Cameronians raising a psalm of triumph as they went. As at Killiecrankie, the victorious

[1] Wodrow, III. 70. At Cleland's suggestion the insurgents fell flat on their faces when the dragoons pointed their pieces.

[2] Scott had Cleland before him in his character of Morton in *Old Mortality*.

commander did not live to profit by his success. While exposing himself to give an order, Cleland received two gun-shots which were immediately fatal; but, more fortunate in his death than Dundee, he had won a victory which assured the triumph of his cause. If the importance of battles is to be estimated by their consequences and the military qualities displayed in them, the defence of Dunkeld should be written larger in Scottish history than Killiecrankie[1].

1690 By the death of Dundee and the victory at Dunkeld the country was saved from the immediate danger of another formidable rebellion, but the work of the Revolution was as yet only half done and the severest ordeal of the new Government had yet to be faced. The settlement of the Church had still to be accomplished, and on the event of this settlement appeared to depend the stability of William's authority alike in England and Scotland. It was by no means certain that the establishment of Presbytery in Scotland would strengthen his hold on that country. The majority of the Scottish people were in favour of such a settlement, but there were formidable interests bound up with Episcopacy with which it might be dangerous to make a final breach. It was the state of feeling in England, however, that most seriously disquieted William as to his ecclesiastical policy in his northern kingdom. The Church of England declared that it would stand or fall with its sister church in Scotland, and that whatever measure was meted to Scottish Episcopalians would be meted to English dissenters[2]. Fortunately for William he had by his side one who was pre-eminently fitted to direct him in his dealings with religion in Scotland. This was William Carstares ("Cardinal Carstares"), a Presbyterian minister, who had experienced the thumbscrew under Charles II, and in his exile in Holland had gained the unbounded confidence of

[1] Out of Cleland's troop of Cameronians sprang the famous Cameronian regiment.

[2] *Leven and Melville Papers*, pp. 336—7, 355—6.

William. Mainly through the counsels of Carstares, William finally decided that the establishment of a moderate Presbyterianism was his most expedient policy in Scotland.

To effect a religious settlement Parliament must again be summoned; and William's experience of the first session of that Parliament had not been encouraging. As the time for its meeting approached, he was told that only his own presence could ensure the passing of such measures as he desired; at the most he could reckon on a majority of fourteen votes[1]. The choice of the royal representatives announced the policy that had been adopted. Lord Melville, a moderate Presbyterian, who had been Secretary in the previous year, was appointed Commissioner; and the Earl of Crawford, a Presbyterian extremist, was continued in his office of President of Parliament. The same elements of opposition appeared as in the previous year. Hamilton, now removed from office, aimed simply at harassing the Government; Sir James Montgomery, though secretly in negotiation with James, posed as the champion of extreme Presbyterianism and the enemy of the prerogative; and the Jacobites identified themselves with him as a useful ally. In a trial of strength over a disputed election the Government had only a majority of six; but the result demoralised the Opposition which had securely reckoned on being the stronger party, and thenceforward the Government steadily proceeded with its measures[2]. To the extreme Whigs a notable concession was made; they had pressed in the preceding session for the abolition of the Committee of the Lords of the Articles, and their demand was now granted. 1690

But it is by its Acts relating to the Church that this session of the Revolution Parliament is memorable in the national history. Detestable and impious in the eyes of all Presbyterians had been the assumption by James I and his successors

[1] *Leven and Melville Papers*, pp. 391, 392, 394, 398.

[2] Balcarras, *Somers Tracts*, XI. 523—5.

that they were "supreme over all persons and in all causes ecclesiastical"; and it was now decreed that such supremacy was inconsistent "with the establishment of Church government now desired." Next, in view of the great Act that was to follow, it was voted that all the Presbyterian ministers who had been ejected since the 1st of January, 1661, should at once be restored to their respective parishes. Of these ministers only sixty remained, and on them was to devolve the duty of rebuilding the walls of their temple. In giving its sanction to the establishment of Presbytery as the national religion, the Parliament followed the precedent of the Convention of 1560 which set up Protestantism in the place of the Church of Rome. The Westminster Confession, as embodying the creed of Scottish Presbyterianism, was first read, and then by one Act the Confession was ratified and Presbytery declared to be the polity of the Church that was henceforth to be recognized by the State. Finally, though against the wish of William, patronage was annulled, and the right of approving presentees conferred on congregations[1].

1690

Since 1653, when the officials of the Commonwealth broke up its meeting in Edinburgh, no General Assembly had met, and the very forms of conducting it had been almost forgotten. General Assemblies were again to meet, but no longer under conditions that had made them the rivals of Parliaments and the terror of Scottish Kings. Yet it was with serious disquiet that William and his advisers looked forward to the Assembly that had been appointed to meet in October for the express purpose of setting the re-established Church in order. So long oppressed as the Presbyterian ministers had been, it might well be feared that they would not be in the most charitable frame of mind towards the fallen Church which in their eyes had been the instrument of their oppression. As things now stood, any indiscretion on the part of the coming Assembly would gravely

[1] *Acts of Parl. of Scotland*, IX. 111 et seq.

compromise the recent ecclesiastical settlement. It was the devout prayer of Lord Melville and all who wished well to a moderate Presbyterianism that its session should be short and that it would pass by all matters that were likely to renew old divisions[1].

When the day of meeting came, about a hundred and eighty members, laymen and divines, put in an appearance, but of this number none were from the north, the stronghold of Episcopacy. The first proceeding of the Assembly was to receive three Cameronian ministers who gave satisfactory assurance of their conformity to the new establishment. But in taking this step these ministers did not represent the main body of their people. The eyes of the followers of Cargill and Cameron had gradually been opened to the true character of the Revolution. It had given them an uncovenanted King, an uncovenanted Parliament, and an uncovenanted Church; and, dragoons and tests excepted, they were precisely where they had been under the "malignant" House of Stewart. The uncompromising resistance of the Cameronians to the church policy of the last two Kings had been one of the chief causes of the Revolution in Scotland; and, true to their principles, they refused to acknowledge the new settlement when it failed to fulfil the first conditions of a Church whose head was Christ and no earthly King. Deserted by their own ministers[2], they held sternly aloof from the new Church and State, refused to take an oath of allegiance, and as a separate body, claiming to represent the Church of Knox and Melville and Henderson, continue to exist to the present day. But the most important act of the resuscitated Assembly was the appointment of two Commissioners, one for the north and another for the south of the river Tay. The object of both was the same—to restore

[1] *Leven and Melville Papers*, pp. 540—1.

[2] The three who conformed were all they possessed, and it was not till 1706 that they were joined by two ministers (one only a licentiate) from the Established Church.

church order and to extrude such ministers, Presbyterian or Episcopalian, as in life, doctrine, and political sentiments failed to give satisfaction to the Commissioners[1]. The work of the Commission in the south was comparatively easy, for there it had the sympathy of the main body of the people. Very different was the task of the northern Commissioners. To the north of the Tay they were in the enemy's country, and there were few parishes where they did not encounter more or less opposition to their reforming zeal. There had already been two purgings of the "conforming" clergy. Many had been "rabbled" out of their cures in the preceding December[2], and others had been ejected for their refusal to pray for the new King and Queen; but the process of extrusion by the special Church Commission was most keenly resented by the fallen Church, and it was only by the decisive interference of the Government that the inquisition was gradually staid. Harsh as was the new persecution, however, it differed from the persecutions of the two previous reigns in one material circumstance; the clergy alone were the sufferers, the laity being left absolutely free to sit at whose feet they chose.

II. The Massacre of Glencoe, 1690—1692.

The chief work of the Revolution in Church and State had now been completed, and it remained to consolidate the nation on its new basis. Of one of its most mischievous adversaries, the intractable Sir James Montgomery, the Government was now happily rid. While posing as a strenuous Whig, he had inveigled Lord Ross and Lord Annandale into a plot for the restoration of James. The plot was discovered, and all three made confessions; but, while Ross and Annandale made their

[1] *Principal Acts of General Assembly convened on October* 16, 1690 (Edin., Mosman, 1691), pp. 21—2.

[2] The "rabbling" had been sanctioned by Parliament against considerable opposition.

peace with the Government, Montgomery was forced to quit the country.

In the Highlands, also, things had gone favourably for William. The defeat of Cannon at Dunkeld in August, 1689, had discredited that officer with the Highlanders, who refused to rally to his further calls in spite of all the promises he held out from James. In the following year Cannon was succeeded in his command by General Buchan, who was even more unlucky than his predecessor. On the 1st of May he was surprised at Cromdale in Strathspey by Sir Thomas Livingstone, the government officer in command at Inverness, four hundred of his men being taken, and his remaining force hopelessly dispersed. To maintain the advantage that had been won, Mackay next took a step in imitation of Monk. It was from the western districts of the Highlands that future trouble was most likely to come. It was there that the majority of the disaffected chiefs had their strongholds, while the proximity of Ireland placed them in convenient communication with the emissaries of James. With a view to overawe these chiefs, therefore, Mackay erected a fort at Inverlochy, to which he gave the name of Fort William, and which, though built in the course of eleven days, he deemed "a perfect defence" against such an enemy as the Highlanders[1].

1690

Actual warfare was now at an end in the Highlands, but only a spark was necessary to rekindle it. In the spring and early summer of 1691 there were many symptoms that trouble was impending. The disaffected chiefs had been led to believe that a French force was about to land on the west coast, and their restiveness became ominous. Glengarry built himself so strong a house that it could not be taken "without great cannon," and many chiefs persistently refused to take the oath of allegiance[2]. In these circumstances

1691—1692

[1] Mackay, *Memoirs*, pp. 98—9.

[2] *Leven and Melville Papers*, pp. 609 et seq.

some policy was necessary to avert the repetition of the work of Montrose and Dundee. The policy adopted was one which on a limited scale had frequently been tried in the dealings of the Privy Council with the Highlands; it was simply to offer such inducements to the chieftains as would make it their interest to remain at peace among themselves and with the existing Government. The agent chosen to carry out this policy was the Earl of Breadalbane, described as being "cunning as a fox, wise as a serpent, and as slippery as an eel." He was doubtless chosen for two reasons; he was a match for any other Highland chief at his own weapons, and his important trust might secure his own dubious allegiance to the Government that employed him. At the end of June Breadalbane met the Highland chiefs at Achallader in Argyleshire, and by the offers he was able to make obtained a temporary advantage for the Government. A truce till the 1st of October was arranged, and the expected French invasion was thus averted for the time[1]. In other respects his negotiations bore little fruit; some chieftains took such money as he chose to offer them, others refused either from honesty or because their price was underestimated, and all remained as disaffected as ever. By December £12,000 sterling had been spent in Breadalbane's mission[2]; and his associate in the appalling crime that was to follow was in doubt whether the money had not been better employed "to settle the Highlands or to ravage them."

To reinforce the negotiations of Breadalbane, a sterner step was taken. The recalcitrant chiefs still refused to take the oath of allegiance; and, to bring them to account, an order was issued on August 27th proclaiming "the utmost extremity of the law[3]" against all who should not take the necessary oath by the 1st of January, 1692. The threat had the desired effect; by the appointed day all the chieftains with two exceptions had subscribed the oath. One of the two who had

[1] *Papers Illustrative of the Highlands of Scotland*, 1689—1696 (Mait. Club), pp. 53—4.

[2] It is uncertain how much was spent for the purpose intended.

[3] *Papers Illustrative of the Highlands of Scotland*, p. 37.

trifled with his fate was Alexander Macdonald[1], the chief of Glencoe, a person specially objectionable to the Government from his character and past conduct. With unhappy bravado he postponed the hateful step till the last days of December. When he appeared before Colonel Hill, the commander of Fort William, he was informed that only a sheriff or his substitute could receive the oath. Inverary was the nearest place where a sheriff or his substitute was to be found; and it was not till the 6th of January that Macdonald was able to give the pledge of his allegiance. Meanwhile the machinery was being set in motion for the enforcement of the law. Its prime mover was Sir John Dalrymple, Under-Secretary of State and resident in London, who had been William's most trusted public servant since the beginning of his reign. The disaffected chiefs had shown such reluctance to take the oath that it was fully expected that in the case of several of them the law must take its course. Under this impression William, on the 11th of January, 1692, subscribed and superscribed "letters of fire and sword," drafted after the time-honoured usage of the Scottish Privy Council[2]. It was with a sense of disappointment that Dalrymple learned that all the chieftains with the exception of Macdonald had taken the oath by the appointed day[3]. In the case of most of them he was convinced that the oath was an idle form, and that the only security against their future rebellion was to cow them by a few terrible examples. It was with undisguised rejoicing, therefore, that he heard of Macdonald's failure to give the necessary satisfaction. If only one chief was to be taught a lesson, Glencoe was the victim he would have desired. The clan was "a thieving tribe," "a damnable sept, the worst in all the Highlands"; its chief had fought under Dundee at Killiecrankie and was deep in every Highland plot against the Government.

[1] The other was Glengarry.

[2] *Papers Illustrative of the Highlands of Scotland*, pp. 60—1.

[3] Mr A. Lang is of opinion that Dalrymple had really wished a "peaceful settlement." *Hist. of Scot.* IV. 38—9.

The certificate of Macdonald's oath had been duly forwarded to the Privy Council, but by some foul play not very clearly explained, the Council did not accept it, and William at least was not informed that the oath had been taken. On Macdonald's head, therefore, were to be visited the sins of himself and his brother chieftains. It fell to Dalrymple as Secretary of State to give the necessary orders, and it was indubitably in the full conviction that he was doing his country an excellent service that he issued them. He found two instruments admirably adapted for his purposes. The one was Major Robert Duncanson; the other, a subordinate of Duncanson, Captain Robert Campbell of Glenlyon. Both were Campbells, and both therefore the hereditary enemies of the Macdonalds of Glencoe. The orders of Dalrymple were that the blow should be "secret and sudden" and that the tribe should be "rooted out to purpose[1]"; the special mode in which the orders should be carried out was left to Duncanson and Campbell. About the 1st of February Glenlyon appeared in the vale of Glencoe at the head of a troop of a hundred and twenty men, the great majority of whom were Highlanders. On showing his orders for quartering there, he and his men were hospitably received, and lived "familiarly with the people" till the 13th. About four or five on the morning of that day the work of blood began. The first blow was struck at the house of the chief; he himself was shot as he was getting out of bed, and his wife was so brutally used that she died within a few hours. Every pass had been secured; but in the darkness of the winter morning many made their escape to the neighbouring hills. Thirty-eight in all were butchered, among them being two children, two women and one old man of eighty[2].

Had the Massacre of Glencoe occurred at any period pre-

[1] *Papers Illustrative of the Highlands of Scotland*, pp. 67, 71.

[2] It should be said that the two sons of Glencoe, both of whom escaped the massacre, are the only authorities for the details of the story.

vious to the Revolution it would have been accounted merely as another of the long list of atrocities that are recorded in Highland history. So far as Dalrymple is concerned, the measures he took with regard to Glencoe were only those which had been consistently followed by the Privy Council in the case of all intractable Highland clans[1]. Previous to the Revolution there probably was not a single Scottish statesman who would not heartily have approved of letters of fire and sword as the most satisfactory method of dealing with a nest of disaffected subjects. Assuredly none of them would have dreamt of suggesting an investigation into any atrocity committed against a Highland clan. It was, in truth, due to no awakening of the public conscience that such an investigation was demanded in the case of Glencoe; personal hatred to Dalrymple, on the part of some, and a desire to discredit the Government, on the part of others, must be assigned as the leading motives of those who clamoured most loudly for a Commission of Enquiry. In 1693 the Duke of Hamilton and others were instructed to conduct an investigation into the circumstances of the massacre; but it was not till 1695 that William, anticipating the demand of the Estates, granted a formal Commission of Enquiry. As the result of the Commission, Dalrymple demitted his office of Secretary, and was forced to remain in retirement till the next reign, when he was again to play a prominent part in the affairs of the country. Breadalbane, who had gone hand in hand with Dalrymple, was charged with high treason and committed to Edinburgh Castle, but was never brought to trial. Duncanson and Glenlyon, the subordinate agents in the crime, were in military service on the Continent and beyond the reach of the law.

It was the deliberate policy of William to avoid Parliaments and General Assemblies as far as lay in his power. In the past these bodies had served only to create further friction

[1] Cf. Indexes to Vols. VI., VII. and VIII. of the *P. C. Register*, s.v. *Macgregor* for illustrations of the methods of dealing with troublesome clans.

between the various political and ecclesiastical parties; and his future experience was not to increase his liking for them. With an Assembly that met in January, 1692, he had special reason to be dissatisfied. In a letter presented to that Assembly by his Commissioner, he expressed the desire that all ministers should be admitted into the Established Church who were willing to subscribe the Confession of Faith[1]. After about a month's sitting no step had been taken to give effect to the message; and the Commissioner dissolved the Assembly without fixing a date for the next meeting, though the Moderator, obeying the clamour of the Assembly, named the third Wednesday of August, 1693[2].

1692—1695

The General Assembly did not meet in 1693, but the Parliament met instead—its first session since 1690. Two of its Acts were the occasion of fresh misunderstandings between the Church and the King. From the peculiar tenure by which William held the Crown a difficulty had arisen in connection with the Oath of Allegiance. A Jacobite might swear that William was King in fact, but with the mental reservation that he was not King of right, and with this salve to his conscience might hold himself free to do all in his power against the usurper. To remove the convenient ambiguity, therefore, it was enacted that in addition to the Oath of Allegiance an "Assurance," affirming that William was King of right as well as in fact, should be demanded of such persons as the Government should designate[3]. The other Act gave the sanction of the Estates to that demand of William which had been set aside by the late Assembly; henceforth (it declared) all ministers were to be admissible to the Established Church who should subscribe the Confession of Faith, the Oath of

[1] *Register of the Actings &c., of General Assembly on January* 15, 1692 (Edin. 1852), p. 9.

[2] The Acts of this Assembly were burned in 1701, but a copy was preserved. It has been inserted in the edition belonging to the University of Edinburgh.

[3] *Acts of Parl. of Scotland*, IX. 263—4.

Allegiance, and the Assurance. To both of these Acts the Presbyterian ministers had a strong objection. By exacting the Assurance from the clergy William would be asserting that supremacy over the Church which had been the most heinous offence of his immediate predecessors. As for the Act of Comprehension, it was regarded as a deep-laid stratagem to swamp the Church with Episcopalians and to subvert its constitution.

The ministers had still another ground for discontent with the Government. At the close of the last Assembly the Moderator, without the sanction of the King's Commissioner, had appointed the coming August as the date of the next meeting. The day was approaching; the sanction of the King was not yet forthcoming; and the ministers threatened to hold their Assembly independently of the royal authority. At length came William's consent that the desired Assembly should meet in March of the following year (1694); but his consent was clogged with a condition which threatened an open breach between the ministers and the Crown: no minister was to be allowed to sit in the coming Assembly without previously subscribing the Assurance. When the Commissioner, Lord Carmichael, appeared in Edinburgh, he learned to his consternation that no minister would take the oath and that, if he acted up to his instructions, no Assembly could be held. By the diplomacy of Carstares the deadlock was averted, and to the delight of the ministers William gave way. The concession convinced them that he had no evil designs against the Church; and, when the Assembly met, it gave satisfactory proof of its confidence in his good intentions; it appointed a Commission to receive such Episcopalians into the Church as were willing to accept the necessary conditions[1]. Unfortunately the Episcopalians had even stronger objections to the Assurance than the Presbyterians themselves. The Oath of Allegiance had permitted a mental reservation in favour of the exiled King, but the

[1] *Principal Acts of General Assembly*, March, 1694 (Edin., Mosman, 1695), pp. 23 et seq.

Assurance left no loophole of escape. Few of the Episcopalian clergy, therefore, availed themselves of the offer now made to them; and William's desire for comprehension was in great measure thwarted.

III. The Darien Scheme, 1695—1702.

During the last years of William's reign the Scottish people were exercised regarding an affair which signally illustrates the change that had come over the national spirit. In the year 1695 a vision of boundless wealth was opened before their eyes, which transformed them from a nation of theologians into a nation of traders and merchants and economists. Ecclesiastically and politically the Union of the Crowns in 1603 had brought little good to Scotland, and commercially it had been disastrous. Again and again the foreign relations of England had played havoc with the trading interests of the lesser country. The Union had injuriously affected the ancient commercial privileges of Scotland with France, as James VI and his successors were frequently reminded by the Scottish Privy Council. Still more detrimental to Scottish trade had been the war of Charles II with Holland—the country with which Scotland had done its largest business since she had first come into touch with foreign nations. While the other trading countries of Europe were reaping a harvest from the continents of Asia, Africa, and America, Scotland through the action of the English Government was debarred from participating in their gains. So far as legislation could, the Navigation Act and the Act for the Encouragement of Trade, passed by the English Parliament in 1660 and 1663, permanently excluded the Scots from some of the principal sources of the world's wealth.

During the period preceding the Revolution, the nation had shown a sufficiently eager interest in the development of its resources. Following the lead of other nations, it had

launched many companies, started new manufactures, and legislated vigorously in its own commercial interests. But the most cogent proof of the energy and enterprise of the Scottish trader is seen in the success with which he eluded the two measures of the English Parliament which were expressly intended to exclude him from all traffic with the American Plantations. Owing to the action of successive Governments, numerous colonies of Scots existed all along the east coast of the American States, and notably in Barbados—the most lucrative market for European goods. After his victory at Dunbar, Cromwell had deported 5000 Scots to New England; and, though many died on the voyage, a sufficient number survived to form a Scottish colony. The policy of Charles II materially increased the numbers of this first contingent. The religious recusants transported to the Plantations during his reign and that of James VII have to be reckoned by hundreds; and we have the testimony of the Governors of these lands that they made the best of colonists.

Still more numerous were the deportations of a very different class of Scottish subjects. During the same reigns transportation to the Plantations was the effectual method of ridding the country of the useless and criminal part of the population; and, with the sanction of the Privy Council, shiploads of these persons, men and women, were conveyed from the chief seaports of the kingdom and sold to employers of labour on the other side of the Atlantic. Among these miscellaneous bands of Scots, there must have been many who had the natural aptitude of their countrymen for making the most of the situation in which they found themselves; and, in point of fact, during the last quarter of the 17th century and the opening years of the next, Scottish traders in the American colonies became so numerous as seriously to alarm the English Merchant Companies. The existence of so many Scottish traders in the Plantations opened up a promising field for Scottish traders at home, who by eluding the customs

could supply the Planters with their necessary commodities at a cheaper rate than the English merchants who had the customs to pay. The merchants of London complained "that their Trade is in a great measure destroyed and ruined by many ships trading directly from Scotland and Ireland to Virginia[1], Maryland and Pennsylvania without paying their Majesties' duties to the undervaluing of Trade"; and similar complaints came from Bristol, Liverpool, and other English ports[2]. The English government officials in the colonies bore equally emphatic testimony to the extent to which Scottish traders had appropriated the trade with the Plantations; "all the tobacco of this province" [Philadelphia], wrote one of these officials to the English Admiralty, "is engrossed by the Scotch merchants, and at such rates that I am sure none that designs a fair trade can afford to give it[3]."

The success with which Scottish traders carried on this illicit traffic showed that they possessed the energy and enterprise for undertakings on a larger scale; and in the year 1695 the opportunity was offered for a commercial venture in which the entire Scottish nation might find its interest. In other European countries trading companies existed under the sanction of their respective Governments, and with more or less profit were doing business in the markets of the other three continents. Why should Scotland not possess similar companies equally sanctioned by its Government? In 1693 there had been passed by the Scottish Parliament and approved by William an Act which conferred all the powers necessary for the establishment of such companies in Scotland. By this Act it was declared that Scottish merchants were at

[1] The ships sent from Ireland were also those of Scotsmen descended from the original settlers in Ulster.

[2] *Scottish Hist. Rev.* (Oct. 1908), p. 42. Art. by Miss T. Keith on "Scottish Trade with the Plantations before 1707."

[3] *Hist. MSS. Com.—House of Lords Manuscripts*, Vol. IV. (New Series), p. 336.

liberty to form companies for trading in all kinds of commodities in all parts of the world with which his Majesty was not at war[1]. The suggestion of a Scottish company came from Mr John Chiesley, a Scottish merchant settled in London. In May, 1695, Chiesley pointed out to another Scotsman, William Paterson, that the Act of 1693 gave ample powers for establishing an East India Company in Scotland with the full sanction of the royal authority. He could not have found a more responsive listener. A native of Dumfriesshire, Paterson had seen most quarters of the globe, and played various parts[2], but his main interests lay in trade and finance. After acquiring a competence in the West Indies, he returned to Europe, and, as the result of his observation and experience, submitted to several continental cities a Scheme of Foreign Trade which none of them saw fit to adopt. Another of his proposals had better fortune. In 1691, mainly through his agency, a plan for the foundation of a National Bank was submitted to the English Government with the result that in 1694 the Bank of England was established, Paterson being one of its original directors. A born "projector," therefore, Paterson eagerly caught at Chiesley's suggestion, and drafted an Act for the constitution of a Scottish company.

No patriotic Scot could oppose the passing of an Act which might be expected to open up a new future for his country; and on May 26, 1695, the Scottish Parliament passed the momentous "Act for a Company trading to Africa and the Indies," mainly on the lines sketched by Paterson[3]. The charter thus granted to the prospective Company was indeed, as it was described, a "large and glorious patent." In Scotland the Company was to have

1695

[1] *Acts of Parl. of Scotland*, IX. 315.

[2] The West Indies seem to have been the chief scene of Paterson's activity in his earlier years. If we may credit some accounts, he was both missionary and buccaneer before settling down to trade.

[3] *Acts of Parl. of Scotland*, IX. 377—381.

a monopoly of trade with Asia and Africa for all time coming, and in America for the space of thirty-one years. During twenty-one years all goods imported by the Company, except sugar and tobacco, were to be free of duty; and no part of the capital stock or of real or personal property was to be liable to arrest or confiscation. With the consent of the inhabitants, colonies might be planted in any part of Asia, Africa, and America, provided it was not already in the possession of any European sovereign[1]. For the first ten years the Company was at liberty to fit out their own or hired ships, and to equip them in warlike guise if it saw fit. All members and servants were to be secure from arrest; and, should any foreign state inflict injury on the Company, the King was to interpose to obtain reparation. As originally conceived, the Company was not to be an exclusively Scottish concern; of the twenty-one promoters designated in the Act eleven were resident in London. As evidence to the world, however, that Scotland was its parent, at least half of its capital stock was to be set aside for residents in Scotland; and all persons concerned in the Company were *ipso facto* to be free citizens of that country.

The promoters of the Company were fully aware of the obstacles they would have to face in carrying through their enterprise. In the English companies they would have enemies who would do all in their power to checkmate them as formidable rivals. It was indeed in anticipation of the hostility of these companies that the Act had been so expeditiously passed by the Estates. But in the haste to establish the Company a formality had been neglected which was subsequently made a handle against the promoters. The Commissioner Tweeddale had been authorised to promote any measure for the furtherance of Scottish trade, but on the condition that any Act passed with this object should be submitted to the King previous to its receiving the royal

[1] Paterson assumed that a settlement at Darien was legalised by this clause.

assent. At the date when the Act was passed, however, William was on the Continent; and, doubtless under pressure, Tweeddale had touched the Act with the sceptre without satisfying the prescribed condition.

On August 29 the promoters in London held their first regular meeting; but, to the disquiet of Paterson, no promoters from Scotland made their appearance. In November the English Parliament was to meet; and there was a well-grounded fear that both Houses might take action which would be fatal to the interests of the Company. Apparently, however, from distrust of Paterson and the other London patentees, the representatives in Scotland still delayed their coming; and on their own responsibility the London members took a decided step. They fixed (October 22) the capital of the Company at £600,000, half of which was assigned to England, and announced that the books were opened for subscriptions. Within a few days the proportion assigned to England was over-subscribed; and steps were then taken to place the Company on a secure basis before the meeting of Parliament. An office was selected; the subscribers were required to pay in a quarter of their promised investments; and it was decided that the persons specified in the Act should constitute a Court of Directors, to which others, however, might be subsequently added. In requital of the services of Paterson and his outlay in the interests of the Company, it was further agreed that he should receive two per cent. of the money to be subscribed and three per cent. of the profits for twenty-one years[1].

On the very day (November 22) on which the subscription books were declared to be closed, the Houses of Parliament met. It was the House of Lords—at whose instigation is uncertain—that took the initiative in the investigation into the affairs of the Company. At the request of the Lords, the East India Company, the Commissioners of Customs, and private traders gave in opinions regarding the probable effect of the

[1] Paterson subsequently renounced both royalties.

Scots Company on English trade. As all the opinions were adverse to the Company, the Lords resolved to present an address to the King representing "the great prejudice, inconvenience, and mischiefs" that would result to English traders from the Act passed by the Scottish Estates. On the 17th of December both Lords and Commons waited on the King at Kensington and presented the address. "I have been ill-served in Scotland[1]," was William's reply, "but I hope some remedies may be found to prevent the inconveniences which may arise from this Act"; and the dismissal of the Commissioner Tweeddale and Secretary Johnston was his significant concession to the representation of the two Houses. Further proceedings of both Lords and Commons showed that they were fully convinced that the new Company was a menace to English interests; and one decision taken was to give serious trouble to the Company at a future day. A circular letter was to be addressed to the Governors of the Plantations, enjoining them to prohibit all his Majesty's subjects from rendering any assistance whatever to the Scottish Company[2].

1696—1698

These proceedings of the English Parliament were fatal to the original object and scope of the Company as they had been defined in the Act which established it. In view of the hostility of King, Lords, and Commons, English subscribers made haste to withdraw from a concern which now seemed foredoomed to ruin; and the Company which had begun by being a British enterprise became the affair of

[1] William's words may refer to the fact that Tweeddale neglected to submit to him the Act founding the Company before giving it the sanction of the royal authority, but they may also refer to the belief of the Lords that English gold facilitated the passing of the Act.

[2] The letter was not issued till January 2, 1699. A full account of the proceedings connected with the Company in London is given in Mr Hiram Bingham's articles on the "Early History of the Scots Darien Company," *Scot. Hist. Rev.* Vol. III. (1906).

Scotland alone[1]. The defection of England, therefore, involved at once a diminution of capital, the loss of experienced advisers, and the choice of a new field for the Company's operations. Thrown on their own resources, the Directors of the Company in Scotland had no thoughts of abandoning the enterprise. The English subscriptions being withdrawn, it was necessary that the capital contributed by Scotland should be increased, and a call was made for £400,000 instead of £300,000[2]. The response given to the call reminded contemporaries of the national ferment in 1638 occasioned by the imposition of Laud's Liturgy. Now, also, as in that year, resentment against England was a powerful motive in inciting the nation to throw itself into the doomed venture. The subscription book was opened in Edinburgh on February 26, 1696; and by the 1st of August, the day fixed for the closing of the list, the whole sum had been subscribed[3]. Over 1300 persons of every rank had risked what in many cases was their all in the confident hope that it would be returned in overflowing measure.

The capital subscribed, the momentous question remained —where and how was it to be expended? Owing to the hostility of England, the original scheme of trade with Asia, Africa, and America had been made impossible, and another scheme must be devised. At a meeting of the Committee of Foreign Trade (July 23, 1696) the fatal decision was taken. It had long been the dream of Paterson that the Isthmus of Darien, connecting North and South America, had been intended by Providence as the natural centre of the world's trade. In his conception a new era in the life of humanity would be inaugurated, if this predestined spot, open to all the nations

[1] In April, 1697, subscriptions from Hamburg were also cancelled in consequence of a Memorial in William's name to the Senate of that city.

[2] The total sum eventually paid over was £419,094. 8*s*. 7⅓*d*.

[3] The list of subscribers is given in Mr J. S. Balfour's excellent little book, *A History of William Paterson and the Darien Company* (Edin. and Lond. 1907), Appendix F.

of the earth, should become the great artery joining east and west in a vital and organic bond. The Company subsequently rejected Paterson's scheme of universal free trade, but in an evil day they adopted his suggestion that Darien should be the field of its enterprise.

During two whole years the Company was engaged in preparations for establishing the projected colony, which in honour of the mother country was to receive the name of Caledonia. Ships were procured, stores laid in, and articles of trade (4000 periwigs among them), such as might tempt the cupidity of the natives[1]. On the 17th of July, 1698, "amidst the tears and prayers and praises" of "the whole city of Edinburgh," the armament weighed anchor from the harbour of Leith. It consisted of three armed vessels (the *Caledonia*, the *St Andrew*, and the *Unicorn*), and two tenders (the *Dolphin* and the *Endeavour*). For the direction of the affairs of the colony seven Councillors accompanied the expedition[2]. On the fourth day after the fleet set sail, an unhappy discovery was made; the Directors had ordered that nine months' provisions should be laid in, but on investigation it was found that there was only provision for six. Moreover, it was discovered that a great quantity of the bread that had been supplied was made of "damnified" wheat; and the necessary consequence was that all on board had to be put on short allowance. At Madeira, however, where the fleet lay at anchor for some days, a fresh store of wine and provisions was procured—the officers and gentlemen-volunteers exchanging their coats, cloaks, and even their swords for these commodities.

1698—1699

The fleet reached its destination in the beginning of November; and on the 3rd of that month possession was taken of the shores of the Gulf of Darien—the sanction of the native chiefs being secured shortly

[1] Part of the stores consisted of 1500 English Bibles.

[2] Paterson was not one of the original Councillors, but, as one of the seven was prevented from sailing, Paterson was chosen in his place.

afterwards. The colonists had scarcely landed when their troubles began. Even during the voyage the Councillors were a divided body, and their bickerings continued throughout the whole occupation. The officers, also, misconducted themselves and were not unfrequently drunk when they should have been attending to their duties. Provisions became scarce, and the water of the neighbourhood proved to be bad, with the result that pestilence broke out, and the death-rate rose to twelve a day. In January, 1699, the circular letter addressed by the English Government to the colonial officials cut off supplies from the Plantations—the main cause, the Scots maintained, of the failure of the settlement. Now, also, they were reminded of a fact which they had strangely ignored. The Spaniards asserted a previous claim to the territory they had appropriated, and took effectual action to make their claim good. They captured one of the tenders sent out to procure supplies, and made preparations to attack the settlement in force. In these circumstances the outlook was hopeless, and a few days after the middle of June, 1699—hardly a year since they had set sail with such high hopes from the harbour of Leith—the ill-fated band left the deadly shore, Paterson from a bed of fever protesting to the last against their blind abandonment of a glorious enterprise[1]. Disaster did not cease on the voyage home; of the five vessels that had left Scotland only one, the *Caledonia*, returned; of the original 1200 emigrants only 900 left Darien and few of these reached their native shore.

At the date when the colonists left Darien no rumours of their misfortunes had reached Scotland. In December, 1698, the Directors had resolved to dispatch a second expedition to reinforce the first; and, pending its preparation, they fitted out two auxiliary ships, the *Olive Branch* and the *Hopeful Binning of Bo'ness*, with 300 additional colonists and a cargo

[1] Paterson's wife, who had accompanied him, was one of the victims of the pestilence.

of stores. The two vessels left Leith on May 12, 1699, and after a prosperous voyage they reached the shores of Darien. To their dismay they found the settlement deserted, the huts burned, the fort dismantled, and everywhere traces of desolation. It was resolved, however, to await the larger armament that was to follow; but within a few days the *Olive Branch* took fire and her whole cargo was consumed. Quitting the fatal coast[1], the *Hopeful Binning* made for Jamaica, where the majority of the settlers died of fever. To the tale of misfortune it has to be added that another vessel, dispatched from Scotland on February 24, was wrecked on one of the Hebrides.

It was not till September, 1699, that the Directors received tidings of the failure of the first expedition, but by that date the third expedition was already fitted out and on the point of sailing from Rothesay Bay. It consisted of four vessels, the *Rising Sun*, the *Hope*, the *Duke of Hamilton* and the *Hope of Bo'ness*, and carried about 1300 men and an abundant supply of stores and ammunition. Alarmed by the report they had received, the Directors sent an express message to the Council of the expedition to delay their departure till the arrival of a Councillor who had accompanied the first contingent. Dreading that they were to be superseded, the Council disregarded the order; and the morning (September 24) after the express had arrived they set sail in such haste that they left behind a number of men who had been sent ashore for provisions. After touching at Montserrat, where supplies were refused by the Governor, the fleet reached the harbour of Caledonia on November 30th, 160 men having died on the passage. At Montserrat there had been a rumour that the colony was deserted, but now the desolating fact stared them in the face. The new colonists, however, did not find an utter solitude; in the bay lay two craft, one commanded by Captain Thomas Drummond, who had been a

[1] About twelve persons were, at their own request, left behind.

Councillor in the first expedition, the other by Mr Fulton from New England, both having come with supplies to find a desert.

Now rose the question, should the fleet return or the attempt be made to renew the settlement? At a meeting of officers and Councillors it was resolved to settle—two Councillors, Byres and Lindsay, dissenting. They had not come to settle a colony, Byres said, but to reinforce one; and, detained against his will, he did all in his power to wreck any prospect of success. He had it given out that the fleet was provisioned only for six weeks; and, to lessen the number of mouths, the Council, at his instance, announced that 500 men must be shipped to Jamaica. A panic was the result, as no one knew who was to be among those deported, whose fate, it was supposed, was to be bartered as slaves. Nine of the men made off with a boat belonging to the *Rising Sun*; and a plot to seize the Councillors and two of the ships ended in one of the conspirators being hanged. On December 15, Captain Drummond, who had been one of the most eager for the settlement, proposed to lead an attack on Portobello, whence a Spanish force was expected to act against the colony. The proposal was scouted by the Council; and subsequently Byres had Drummond placed under arrest as a mutinous member of the community. In February, 1700, the colony was relieved of the autocratic Byres, who in view of the long-menaced attack of the Spaniards deemed it discreet to consult his safety in flight. At a later day Drummond received the highest commendations from the Directors, the conduct of Byres being severely condemned.

At this period of the "greatest darkness" of the settlement "light appeared[1]." On the 11th of February, 1700, arrived a sloop, laden with provisions, and commanded by Captain Alexander Campbell of Finab, a brave

1700

[1] Letter of the Rev. Alexander Shields, one of the ministers who accompanied the expedition. Mr Barbour's *A History of William Paterson and the Darien Company*, p. 144.

and energetic soldier, who had served with Drummond in the Low Countries. He had not come a day too soon, as the Spaniards were at length closing in on the settlement. On the third day after his arrival some Indians, favourable to the colonists, brought the news that a Spanish force was encamped at a spot some three days' journey off. At the suggestion of Campbell it was resolved to anticipate their attack; and, with a body of 200 men and a troop of friendly Indians, he accomplished a toilsome march, and came up with the enemy strongly entrenched. Campbell leading them on, the party broke through the palisades, forced their way into the camp, and gained a complete victory, the Indians specially distinguishing themselves in the fight. It was the one happy episode in the history of the colony, but it was to prove a fruitless victory. The victory was gained on February 15; and on the 23rd eight Spanish war-ships appeared at the mouth of the harbour, three more joining them on the 25th. Reinforced by troops from Panama and Santa Maria, the Spaniards beset the colony by land and sea, and the situation of the settlers became desperate. Provisions and ammunition ran short, and the supply of water was cut off; the men were dying of fever at the rate of sixteen a day; and, to crown the miseries of the garrison, a fire broke out and destroyed many of the huts. Yet in these hopeless conditions the Scots made good their defence for more than a month. On March 18 the Spaniards offered terms—the surrender of the whole belongings of the colony—which were resolutely rejected. But the Spaniards themselves appear to have had enough of a contest in which the losses were not all on one side, and on the 30th of March they offered terms which the besieged could honourably accept. The colonists were to be allowed to sail in their own ships "with colours flying and drums beating, together with their arms and ammunition, and with all their goods[1]."

[1] Captain Campbell opposed the capitulation, but the garrison clamoured for it.

Ill luck dogged the adventurers to the last. On the evening of April 11 the fleet left the doomed shore to encounter misfortunes which surpassed even the experiences at Darien. Aboard the *Rising Sun,* where the men were crowded "like hogs in a sty," there were two hundred and fifty deaths on the passage to Jamaica, and nearly a hundred more while she was anchored off that island. At Charleston she was wrecked in a storm, all who happened to be on board, 112 in number, being drowned. In the same storm the *Duke of Hamilton* went down, though in her case there was no loss of life. The same fate overtook the *Hope* on the shores of Cuba, though in her case, also, those aboard made their escape. Lastly, the *Hope of Bo'ness*, having sprung a leak, had to put into the harbour of Carthagena, where she was sold to the Spaniards for such a bargain as could be made. Thus, of the four ships that had composed the third expedition, not one returned to Scotland. Such was the close of the futile enterprise of Darien, which from first to last had cost the mother country nearly two thousand of her sons and over £200,000 of money which she was ill able to spare.

We have seen that the rumour of the failure of the first expedition reached Scotland in September, 1699, and that in October the rumour was wofully confirmed. In the course of the following winter the reports from the second colony ominously suggested that it was likely to share the same fate as the first. The rage and disappointment of the Scottish people at the failure of what had been a national stake were proportioned to the extravagant expectations with which it had been taken up. Almost with one accord they attributed the principal cause of the disaster to William and the English people. The English merchants and the English Parliament had done their best to wreck the Company from the beginning; and William had supported their efforts. Hamburg had been prevented from contributing its promised capital; and the

Governors of the American plantations had been prohibited from lending any assistance to the settlers. How, in these circumstances, could the colony have prospered[1]?

Between William and England, therefore, the wrath of the Scots was equally divided; and, during the last years of William's reign, it seemed to many but the hazard of a die whether he should maintain his hold on his northern kingdom. "God help us," wrote a correspondent to Carstares in June, 1700, "we are ripening for destruction. It looks very like Forty-one[2]." A week after Carstares wrote, the Edinburgh mob, which had always led the way in the manifestation of public feeling, gave a significant proof of its disposition to the Government. The news had just come of Captain Campbell's victory over the Spaniards, and at a public meeting it was decided, "without ever taking notice of Commissioner, Privy Council, or magistrate," to illuminate the town in honour of the event. When night came, the mob ranged the streets at will, broke open the Tolbooth and freed the prisoners, smashed every unlighted window, paying special attention to those of government officials, and crowned their proceedings by ringing the city bells to the tune of "Wilful Willy, wilt thou be wilful still[3]."

The Scottish Estates fully shared the indignation of the people. When they met in May, 1700, it was moved "that the affair of Caledonia as a national concern should be first taken into consideration[4]." When they reassembled in October, a letter from William brought the best excuse that he could urge for his conduct towards the Company. It had only been for "invincible reasons" that he had refused to recognise the Company's right to settle in Darien—the "invincible reasons" being that his yielding "had infallibly disturbed the general

[1] Both Paterson and Captain Campbell of Finab attributed the failure of the settlement mainly to bad management both at home and in Darien.

[2] Carstares, *State Papers* (ed. M'Cormick, 1774), p. 527.

[3] *Ib.* pp. 539, 546.

[4] *Acts of Parl. of Scotland*, x. 193.

peace of Christendom, and brought inevitably upon that our ancient Kingdom a heavy war." He had resolved, however, to sanction every Act that might serve to promote trade in Scotland and "more especially for making up the losses and promoting the concerns of the African and India Company[1]." Not during William's reign, however, were the Company's losses to be made good; compensation was to follow an event which the Darien disaster was a potent cause in bringing within the range of practical politics—the union of the Parliaments of England and Scotland. The misunderstandings between the two countries which had arisen in connection with the African Company convinced both English and Scottish statesmen that union was the only safeguard against misunderstandings which might prove still more serious. Even while the House of Lords was taking action against the Company it was moved "to appoint a time to take into consideration of the union between Scotland and England"; and before the end of William's reign three several attempts were made to compass this result[2]. When union did come, it was one of the articles of the Treaty that the subscribers to the African Company should be recouped for their losses; and by one of the last Acts of the Scottish Parliament the sum to be apportioned was fixed at £232,884. 5*s*. $0\frac{2}{3}$*d*. sterling[3].

During the last years of William's reign some notable additions were made to the Statute-book, one of which was little in accord with his own opinions and sympathies. In 1649 the Covenanting Parliament had passed an Act making blasphemy a capital crime for the third offence, an Act ratified by the Restoration Parliament, which in its legislation

[1] *Acts of Parl. of Scotland*, X. 201.

[2] *House of Lords MSS.* Vol. IV. (New Series).—*Hist. Mss. Com.* p. x.

[3] *Acts of Parl. of Scotland*, XI. 487.—How many of the subscribers actually received compensation is uncertain.—A letter quoted by Mr Barbour in his *History of William Paterson and the Darien Company*, App. D, proves that Paterson actually received payment of an indemnity of £18,241. 10*s*. $10\frac{2}{3}$*d*.

had displayed an anxious concern for orthodoxy. During the closing years of William there was an outbreak of heretical opinion on the fundamental doctrines of Christianity, which excited serious alarm both in England and Scotland; and it was in consequence of this alarm that in 1695 the Scottish Parliament was moved to sanction anew the monstrous statute[1]. Nor did the statute remain a dead letter. The year following the ratification of the Act, Thomas Aikenhead, an Edinburgh student, was tried before the High Court of Justiciary for openly jesting at the doctrine of the Trinity. Condemned to death in accordance with the recent Act, he appealed to the Privy Council and made humble retractation of his errors. The ministers of Edinburgh might have saved him had they unanimously exerted themselves in his favour, but at the last moment only two of them made an effort to avert the sentence. That the Church should have consented to his death is intelligible, as in its eyes the crime of Aikenhead was the most heinous that could be committed in the sight of God and man, and was, moreover, subversive alike of Church and State. What is a singular comment on the time, however, is that the Privy Council, composed of instructed men of the world, should have yielded to the opinion of the ministers whom in other matters they were disposed to treat with such scant courtesy[2].

Another Act of the same Parliament was in curious incongruity with these proceedings of a surviving mediaevalism; the same session saw the Act against blasphemy confirmed and an Act for the Establishment of the Bank of Scotland[3]. The Bank of England had been founded (1694) at the suggestion of William Paterson; and in 1695 Scotland, now, as we have

[1] *Acts of Parl. of Scotland*, IX. 386—7.

[2] Aikenhead's execution for blasphemy was not the last in Christendom. In 1748 a resident in Orleans had his tongue pierced and was afterwards hanged for a similar offence.

[3] *Acts of Parl. of Scotland*, IX. 494.

seen, with her trading instincts keenly awakened, set herself thus early to follow England's example. The Corporation was to be known as "The Governor and Company of the Bank of Scotland"; and its capital was to be £1,200,000 Scots (£120,000 sterling)[1], of which two-thirds were to be subscribed by persons residing in Scotland[2]. One thousand pounds Scots was fixed as the minimum subscription and twenty thousand as the maximum. Of the sums subscribed ten per cent. was to be paid down; and all subscriptions were to be given in between the 1st of November, 1695, and the 1st of January following. One great distinction between the two national banks was to give a different character to banking enterprise in the two countries: while from the first the Bank of England was the servant of the State, the Bank of Scotland began and continued as a private concern.

Yet another notable Act followed in 1696—the "Act for Settling Schools[3]." It had been the ardent desire of the Church since the Reformation to have a school in every parish; but in spite of repeated legislation with this object the ideal had never been even approximately realised. By the terms of the new Act a school was to be established in every parish not already provided with one. The heritors in these parishes were to provide "a commodious house for a school," and to guarantee an annual salary to the schoolmaster of not less than a hundred marks and not more than two hundred. Should the heritors fail to do their duty, the Commissioners of Supply for the shire were to enforce the law and to mulct the heritors in their respective proportions. Yet, in spite of the stringent terms of the Act, a full century was to pass before every parish in Scotland could boast of a "commodious schoolhouse" and a teacher with a tolerable provision.

In the Scottish Statute-book there had hitherto been no

[1] The capital of the Bank of England was £1,200,000 sterling.

[2] Foreigners who subscribed became naturalised citizens of Scotland.

[3] *Acts of Parl. of Scotland*, x. 63.

law corresponding to the Habeas Corpus Act of England; and it was one of the last Acts of William's Parliament to remedy the omission. In January, 1701, was passed the Act entitled "Act for preventing wrongous imprisonment and against undue delays in Trials," which secured to Scottish subjects the privileges of Habeas Corpus in England. Informers against any subject were to sign their information; and no one was to be imprisoned for trial without a warrant specifying the charge laid against him. All crimes except such as involved capital punishment were to be bailable; and the prisoner under any charge could appeal to the proper judicatory in his case, and insist on being brought to trial within the space of sixty days[1]. For this last clause in the Act there had long been a crying need; prisoners under the charge of witchcraft, for example, had often been detained for months and even years without being brought to trial[2].

When William died on February 20, 1702, he was not a popular King in Scotland. In the circumstances under which he came to the throne and under which he reigned, no ruler, however distinguished by personal qualities, which William did not possess, could have made himself generally acceptable to the nation. There was no class among his subjects to whom his rule had given entire satisfaction; and the fact may be put to the credit of his general policy. The Episcopalians naturally detested a King who had disestablished their Church, though, as we have seen, he had done his best to secure for them the most favourable terms which political exigencies had permitted. Presbyterianism had been made the national religion; yet the majority of the Presbyterians regarded him with suspicion for the favour he showed to Episcopacy. The Jacobites, a numerous body even at the close of the reign, could never cease to treat him as

[1] *Acts of Parl. of Scotland*, x. 272.

[2] The Privy Council Register contains frequent appeals from persons in these circumstances.

an usurper to be got rid of at the most convenient opportunity; and many persons who had favoured the Revolution were dissatisfied with a rule which had not made sufficient concessions to popular rights and national independence. Finally, by his conduct in the affair of Darien, William had alienated that large class of the community whose interests were bound up with the development of national trade. Nevertheless, behind all this general discontent there was one restraining force that worked steadily for William. The memory of the Stewarts remained; and, for the mass of the people, that memory was sufficient to make them shrink from another revolution which might bring back the days of Middleton and Lauderdale and the Dispensing Power. Though, at his death, William was not a popular ruler, the main body of his Scottish subjects gladly recognised that he had fulfilled the chief objects for which he had been invited to become their King. He had saved Protestantism, given to the nation a Church which the majority desired, and substituted a constitutional monarchy for a despotism.

CHAPTER II.

SCOTLAND ON THE EVE OF THE UNION.

The last years of William's reign had proved that the existing political bond between England and Scotland was an impossible relation. Since the union of the Crowns in 1603, the whole tendency of events had pointed to the same conclusion; but the new situation created by the Revolution had supplied the final proof that, in the interests of both countries, some new arrangement must be made which would enable them either to develop their resources in common, or to work out their destinies apart. The existing bond had been tried under such different conditions as the despotism of the Stewarts and the *régime* of the Revolution; and in both cases Scotland had found herself little more than a satrapy of her more powerful neighbour. From the beginning of the reign of Anne, therefore, responsible persons of both nations were preoccupied with the problem which could no longer be put aside. Separation or a closer union—such were the alternatives that in the fulness of time were presented to two peoples whose destinies had been closely intertwined since each had attained to social and political existence. The representative bodies of both nations decided in favour of union, with the result that Scotland ceased to be an independent corporate unity. At the moment when she was about to part with her political being, it is natural to ask what was the condition of the land and people—what she had done for herself through the centuries during which she had maintained her separate existence.

According to the most trustworthy authority the population of Scotland on the eve of the Union fell considerably short of a million[1]. During the 17th century the population of the towns, with one or two exceptions, had not materially increased; and in not a few cases they had throughout the same period lost ground equally in resources and in the numbers of their citizens. The unfavourable conditions of trade, partly due to mal-administration on the part of successive Governments, and partly to mistaken economical theories, are the sufficient explanation of the tardy development of Scottish towns as compared with those of some other countries.

Owing to equally unfavourable conditions there had been little increase in the rural population throughout the same period. Since the beginning of the 17th century no fresh land had been brought under cultivation[2]; and at its close two-thirds of the country consisted of "moors, mountains and barren land[3]." According to contemporary opinion, the two main causes of this backwardness were the conditions of tenancy and, as resulting from these conditions, the obstinate neglect of agricultural improvement. The root of every evil was the continued existence of the feudal jurisdictions which pertained to the greater and lesser barons. The Scottish noble was more desirous of extensive hunting-grounds than of a cultivated domain; and his next concern was to extort such rents from his tenants as would maintain him in his pleasures. His estates were managed by bailiffs whose sole object and interest was to see that rents were at the highest possible rate and that the

[1] *Interest of Scotland* (1700), p. 53. The author of this book, William Seton of Pitmedden, gives the population of Scotland as 800,000. Fletcher of Saltoun (*Political Works*, Glasgow, 1749, p. 68) puts it at 1½ millions, but this is undoubtedly an exaggeration. The population of England at the same period was between 5 and 6 millions.

[2] Macintosh of Borlum, *An Essay on Ways and Means for Inclosing, Fallowing, Planting, &c. Scotland* (Edin. 1729), p. 30.

[3] *Interest of Scotland*, p. 53. According to the same authority three-fourths of England were under pasture or tillage.

tenants duly paid them. But rack-renting was only one of the evils attendant on the privileges of the barons. To extract high rents, leases were made short; and, if a higher bidder appeared for a farm, the tenant was promptly evicted in his favour. Equally galling and equally disastrous to successful husbandry were the "services" exacted from the tenant on the lands of his superior. As throughout the Middle Ages, every tenant was compelled to perform a prescribed amount of labour on his lord's farms throughout the different seasons of the year. Here is the list of services extorted from the unhappy tenant, whose own acres might demand all the hands he possessed: ploughing, harrowing, sowing, cutting and leading corn, stack-building, discharging his lord's errands, either in his own person or by deputy[1].

In these circumstances the Scottish farmer might well fold his hands and shut his eyes to suggestions of improved husbandry which his reason might approve; and, in point of fact, the methods which he still followed were those which had come down to him from the early Middle Ages. Enclosures, either in the shape of hedges, walls, or ditches, hardly existed throughout the length and breadth of the land. In England the practice of enclosing had been begun by the opening of the 16th century; and by the close of the 17th the practice had become general. At the beginning of the 18th century the only district in Scotland where enclosing had been adopted was the shire of Lothian, which has ever since maintained its repute as a pioneer in agricultural improvement. It was in vain that the Scottish farmer was reminded of the advantages to be derived from an effectual system of fencing[2]—that his crops would be thus protected from the weather, that his fields would accumulate manure, that he would be freed from the expense of maintaining herds for his cattle and sheep, and that his

[1] Macintosh, *op. cit.* p. 24.

[2] Men, women, and children, we are told, were in the habit of breaking down enclosures under night. *Ib.* p. 162.

crops would be protected from the encroachments of his neighbours' beasts. To all such suggestions his reply was unanswerable: such improvements would only raise his rent and shorten his lease in favour of a higher bidder. To other suggested improvements he opposed the same dogged obstinacy, and for the same reason. Scotland was the only country where land was never allowed to lie fallow[1]: four, five, even seven crops were raised without the supply of fresh manure[2]. When the tenant was told that a year's fallow would more than repay the loss of a crop, he answered that this would bring no benefit to him, as it only implied an increased demand on the part of his landlord. Thus the one object of the tenant was to exploit his land during his precarious tenancy, with the result that with each successive quittance the soil was so much the poorer. But "what," exclaims the authority we are following, "what must a country come to that annually sinks in value[3]?"

It was in the neighbourhood of the more important towns that land was cultivated at the greatest advantage, for it was a peculiarity of Scottish towns as distinguished from those of England that they generally owned an extensive rural precinct. The town lands were likewise farmed to the highest bidder, but the tenant was free from feudal services, and he had the further advantage of a convenient market. Throughout the country in general it was mainly such soil as naturally lent itself to tillage that had been brought under cultivation. A glance at the maps of the different counties in Blaeu's atlas published in 1654 shows the extent to which the country was covered with waters and morasses which have since disappeared. Lack of capital and ignorance of the art of draining are the sufficient explanation of the failure to reclaim the extensive tracts of waste land; and it was to escape the cost and labour of draining that the slopes of hills were utilised to a degree that astonished the southern visitor.

[1] Macintosh, *op. cit.* p. 46. [2] *Ib.* p. 59. [3] *Ib.* Dedication, p. xxv

Among the crops raised, such as they were, flax and hemp were the most remunerative, as they supplied the material for one of the principal national industries—the manufacture of linen yarn. Through an unfortunate economical policy, however, the manufacture of linen cloth fell off seriously during the latter half of the 17th century, with resultant disaster equally to the farmer and the merchant. Of cereal crops, bear, a coarse kind of barley, was the only one which an impoverished and ill-cultivated soil was capable of freely producing. Such barley and wheat as were reared were of the poorest kind, and failed to satisfy the palates of those who had made acquaintance with the products of England. Except in connection with the seats of the nobles and gentry, the cultivation of fruit received little attention. From early times multitudes of sheep and cattle had been reared in Scotland, but from the gradual deterioration of pasture they had apparently lost value in breed and quality. The wool of the Galloway sheep had once, perhaps vaingloriously, been compared to the finest wool of Spain; but Scottish wool was now found to be so coarse that it was unsuitable for the manufacture of finer cloths, and manufacturers had to import material from other countries. If we are to believe the same authority, Scottish beef had likewise suffered deterioration both in quality and quantity. During four or five months in the year, beef was not procurable even in the capital; and residents there had to satisfy their wants from Berwick-on-Tweed. So poor was it in quality that it would not bear salting; and ships venturing on distant voyages had to seek provision in English or Irish ports[1].

When we turn to the towns, we find the same continuance of mediaeval practices which more fortunate countries were rapidly abandoning. Magistrates were still chosen according to the law passed in the reign of James III, which had been borrowed from the example of France. According to this law the retiring Town Council appointed its successor, with the result

[1] Macintosh, *op. cit.* pp. 132, 137.

that in Scotland as in France the municipal authorities were entirely at the disposal of the Crown[1]. When it pleased the Government of the day to interfere in the burgh elections, the machinery of the Privy Council was set in motion, and magistrates were appointed on whose support of the public policy the ministers of the Crown could securely reckon[2]. As the records of the burghs prove, this dependence on the royal will was at once disastrous to the growth of public spirit and to the individual development of the different communities.

The deep line of cleavage which divided the townsmen into freemen and unfreemen was still rigorously maintained by the laws of the burghs. The unfreeman might neither practise a craft, nor engage in merchandise, nor share in any enterprise of his more favoured fellow. But this rigid exclusion, which had arisen naturally out of the economic conditions of the Middle Ages, was gradually found to be impracticable, even in Scotland[3]. Everywhere, in spite of the indignant protests of the freemen, enforced by the interested magistracy, unprivileged persons pushed their way into trade and commerce through the mere pressure of circumstances against which legislation was impotent. Among the freemen themselves there was the further division into craftsmen and merchants which had once been the occasion of chronic strife in every royal Scottish burgh. The animosities, however, had gradually cooled, for by the close of the 16th century the craftsmen had gained the two great objects for which they had contended—the right to manage their own

[1] In 1693 the Convention of Royal Burghs recommended that no magistrate of any burgh should remain in office beyond two years.—*Records of the Convention of Royal Burghs* (1677—1711), p. 181. The continuance of the same magistrates gave rise to frequent tumults in the burghs. *Ib.* pp. 369—370.

[2] The Convention occasionally interfered in the burgh elections.—*Records of the Burgh of Lanark*, pp. 182—3. This was probably in collusion with the Privy Council.

[3] The author of the *Interest of Scotland* inveighs against the selfish policy of the freemen, p. 75.

affairs and to be represented in the Town Councils, though the ancient restriction still continued which prohibited the craftsman from engaging in commerce unless he abandoned his special craft.

The regulations for home trade practically remained what they had been in previous centuries. The dwellers in rural precincts, dependent on the burghs, were severely restricted alike in the production and the sale of their commodities. On the appointed market-days they brought these commodities to the head burgh, where, after the payment of the fixed dues at the town-gates or the town-cross, they disposed of them in the first place to the privileged freemen, and, after these had been served, to all who were willing to buy. The mediaeval doctrine of the "intrinsic just price" still prevailed. Originally the privilege of fixing prices had been vested in the magistracy of the towns themselves, but in the latter half of the 16th century the Parliament or the Privy Council, to the indignation of the municipalities, gradually began to usurp the privilege. All through the 17th century the Government took upon itself the regulation not only of the rate of craftsmen's wages but also of the prices of food and clothing[1].

While such were the existing laws for the regulation of trade, the nation was gradually convinced through its own development, as well as by the experience of other countries, that such laws were incompatible with larger national interests, and that it was beyond the power of the executive to enforce them. This was especially seen in the case of the two heinous offences, regrating and forestalling, which in earlier periods had been the torment of the governments of every country. By forestalling was meant the intercepting of goods before they reached the market and disposing of them privately at other than the legal prices; and by regrating, the re-sale of commodities under prohibited conditions. In spite of heavy

[1] In 1703, for example, the Lords of the Court of Session were empowered to fix the prices of wines and victuals in Edinburgh.—*Acts of Parl. of Scotland*, XI. 496.

penalties it was found impossible even in the Middle Ages to suppress regrating and forestalling; but, though as late as the reign of Charles II the Scottish Parliament denounced the ancient penalties against both offences[1], it is evident that the law was practically a dead letter.

An excellent illustration of the economic conditions of Scotland in the 17th century is to be found in the history of the origin and growth of the Merchant Company of Edinburgh. It was mainly to the agency of trading companies that England owed its rapid commercial development throughout that century; and it was with this happy result before his eyes that in 1681 Charles II granted letters patent for the foundation of the Company of Merchants of the City of Edinburgh. Two distinct reasons have been assigned in explanation of the origin of the Company, both of which cast an interesting light on the conflicting interests of the freemen of the burghs. In previous centuries the guild of merchants had been pre-eminent and all-powerful in every burgh—a position which it owed at once to its privileges and its comparative wealth. By the beginning of the 15th century, however, a new power appeared in every royal burgh, which persistently and at length successfully made good its claims at the expense of the merchants. By the close of the 16th century, as has been already noted, the craftsmen had universally attained the two objects of their ambition—the management of their own affairs and representation in the Town Councils. But this triumph involved a serious diminution of the prestige of the merchants; and one explanation of their seeking to form a distinct company is that they considered themselves too lightly treated by the Town Council of their city. But the other explanation may be accepted as the more probable of the two. By a decision, famous in the history of the Scottish capital, and known as the "Decreit Arbitral" pronounced in 1583, James VI had finally settled the ancient dispute between the contending craftsmen and merchants.

[1] *Acts of Parl. of Scotland*, VII. 261.

Specially obnoxious among the points conceded to the craftsmen was their admission to the merchant guild, hitherto uncontaminated by their presence. It was with the genuine feudal feeling of class distinction that the merchants had ever regarded the men of the crafts; and it was from long-inherited instinct that they now sought to form themselves into a distinct company in which the despised craftsmen had no part. The terms of the Company's patent well illustrate the prevailing economic principles of the time. As we have seen, no craftsman was allowed to engage in any trade except on condition of his abandoning his craft; but by the terms of the Company's patent no merchant even was permitted to pursue the branch of commerce of which it had received the monopoly. For the choice of its specific industry—the manufacture and sale of cloth—two reasons may be assigned: it was the most lucrative trade of the country, and (what was doubtless not forgotten by the aristocratic merchants) it was the form of trade which from the earliest times had brought most distinction to those who followed it. The fortunes of the Company during the first years of its existence afford further illustration of the difficulties under which trade was conducted. Its deadliest enemies were "the unfreemen in country towns and villages," who, unburdened by taxation, usurped the privileges of the Company without loss to themselves. In 1704 the Company raised a bitter cry against the numbers of "young women" who were allowed to keep shops in Edinburgh—a class of persons who had long given trouble to the authorities of the city. In its action against these infringers of its patent it is to be noted that it received the strenuous support of the Town Council; but, as has already been said, it was every day becoming more difficult to enforce the law against these forms of contraband trade[1].

In the case of foreign trade a prolonged controversy that

[1] Alexander Heron, *Rise and Progress of the Company of Merchants of the City of Edinburgh* (Edin. 1903).

arose in the latter part of the 17th century seriously impeded its development. From the earliest times the Scottish towns had, according to their origin and privileges, been divided into burghs of barony, burghs of regality, and royal burghs—distinctions unknown in England. The supreme privilege of the royal burghs was the exclusive right of exporting the staple commodities of the country—that is, commodities the sale of which brought the largest profits. For this privilege the royal burghs had to pay dear; they alone of the towns had to bear the burden of national taxation, which since the reign of James VI had been permanently rated at one-sixth of the whole. In all times the inferior burghs had surreptitiously encroached on the privileges of their favoured neighbours; and with the commercial expansion of the country their disabilities were made an ever-increasing grievance. In the fact that they alone of the towns bore national burdens, however, the royal burghs had a sufficiently cogent argument for the enjoyment of their monopoly. In the reign of Charles II the dispute between the rival communities came to a head. The royal burgh of Stirling sued the unfree burgh of Falkirk for the infringement of its trade privileges; and the case was brought in the first place before the Court of Session, and subsequently before Parliament, as the proper tribunal for the decision of such questions. The result of the Parliament's deliberation was an Act, passed in 1672, the object of which was to compose the differences between the royal burghs and the burghs of barony and regality. The royal burghs were to have the exclusive privilege of importing and exporting wine, wax, silk, spices, and all materials used for dyeing; but in the case of other commodities the non-royal burghs were to be practically on the same footing as their neighbours[1]. Indignant at what they considered this giving away of their dearly-bought rights, the royal burghs did not rest till they had obtained a modification of the Act of 1672. In 1698 two new statutes were passed which were meant to heal

[1] *Miscellany of the Scottish Burgh Records Society*, pp. xxv.—xxviii.

what was in reality an irreconcilable difference, created by unsound economical conditions. By the first statute the non-royal burghs were licensed to export victual, cattle, horses, sheep, salt, minerals, and metals, as also to buy and sell both native and foreign commodities, provided they bought these commodities from the freemen of the royal burghs; and by the second they were to receive all the trading privileges of the royal burghs on condition of their contributing one-tenth of the national taxation[1]. In point of fact, however, few of the non-royal burghs accepted the latter condition; and the exclusive privileges of the royal burghs, though they gradually fell into desuetude, were not legally abolished till 1846[2].

In the controversy between the rival communities a great part had been played by the Convention of Royal Burghs. Originating in the Court of the Four Burghs, which dates from the 12th century[3], the Convention had come to hold an increasingly important place in the commercial life of the country. Its powers over the royal burghs were at once advisory and regulative, though its ordinances were not invariably accepted without appeal. It had originally met in different towns of the kingdom, but during the latter half of the 17th century it usually assembled in Edinburgh, the Provost or Dean of Guild of that city being commonly chosen as its president. Like the General Assembly, the Convention frequently sat at the same time as the Parliament, in order that it might at once be ready with its advice and serve more effectually the interests of the burghs. Like the General Assembly, also, it generally represented the popular feeling of the time on great public questions. In 1638, for example, it ordained that none should be received as a burgess or hold municipal office who had not subscribed

[1] *Miscellany of the Scottish Burgh Records Society*, p. lii.

[2] The royal burghs not infrequently resigned their privileges to escape the burden of taxation.—*Records of the Convention of Royal Burghs*, III. 56.

[3] See Vol. I. 91—2.

the National Covenant; and it prohibited the same persons from trading with the Low Countries[1]. So likewise, on the question of the Union, the Convention decisively took the popular side, and lodged its protest against the surrender of the national independence. If individual burghs at times resented the high-handed dealing of the Convention, they had all on occasion to be grateful for its favour and protection. Now some burgh, through its powerful intermediacy, had its rights made good against some neighbouring magnate—not an unfrequent necessity in the case of Scottish towns. Or, again, a burgh would through untoward circumstances fall from its former prosperity, and the Convention would supply the needful sum to tide it over its difficulties. If the Convention was on the whole a source of strength and protection to the royal burghs, it was in one direction a permanent source of weakness. Its members formed a definite and tangible body on which the Privy Council could bring direct and effective pressure when the burghs required to be dealt with in the immediate interest of the Crown. Through the Convention it could conveniently determine the election of magistrates, impose taxes, and exercise generally a steady restraint on the temper of the citizens; and it was doubtless mainly due to this circumstance that the Scottish towns displayed so little public spirit throughout the despotic rule of the successive Commissioners who administered the government during the reigns of the last Stewart Kings.

Besides this dispute regarding foreign trade, another concern of high moment engaged the vigilance of the Convention during the latter half of the 17th century. This was the relation of the Scottish burghs to their staple port Campvere in Holland. From the earliest times Campvere had been the Scottish staple port, though recurring misunderstandings between the contracting parties had more than once induced the Scots to transfer their trade elsewhere. During the period before us

[1] *Records of the Convention &c.*, IV. 543, 551.

these misunderstandings became more frequent and bitter than ever—a circumstance which has its sufficient explanation in the changed conditions under which foreign trade was everywhere now conducted. As the institution existed, indeed, it was inevitable that friction should arise between the two parties. A considerable Scottish community was permanently resident in the port, among whom, as we should expect, there were always irresponsible and disreputable persons who found a temporary asylum in this colony of their countrymen. At the head of the community was the Conservator of Privileges, appointed for a period of years, and constituted sole judge in all matters of dispute in which Scotsmen were concerned. Under him were the "staple factors," one of the conditions of whose office was that they should be unmarried. For the accommodation of merchants and skippers during their temporary residence in the port there was provided a "Scots house" under the charge of a "master," and for the spiritual edification of the whole settlement a church and minister, appointed with the approval of the General Assembly and the Convention. The very presence of this alien community in their midst must at all times have been a source of trouble to the authorities of Campvere; but it was mainly on questions touching their mutual trade-compact that disputes arose between the two parties. On each side we find the same recurring complaints. By the terms of the treaty Campvere was bound to send an adequate convoy, at least twice a year, for the protection of Scotch vessels proceeding to the port. The records of the Convention forcibly illustrate the necessity of this arrangement. Corsairs of all nations swarmed in the neighbouring seas; and a voyage across the German Ocean was a veritable running of the gauntlet. In 1694 the Convention was convinced that trade would be "entirely destroyed" and "merchants discouraged" if the depredations of pirates were not effectually checked; and, as a means to this end, it besought the Privy Council to set apart three ships of war—one to

protect the west, the other two the east coast,—the burghs, on their part, undertaking to furnish 150 seamen and four months' pay[1]. The complaint of the Scots was that the convoys were not regularly sent, and that, when they did appear, they were not in sufficient force to secure the safe transport of the trading fleet. Campvere, on its part, had a standing grievance against the Scots. Scottish traders, it was bitterly complained, were in the habit of carrying their staple commodities[2] to other ports, thus defrauding their ally of the better part of their bargain. During the reign of Anne the relations of the two parties became so strained that Campvere appealed to the Queen for the redress of its grievances. The Scots, it was complained, were sending their goods to Rotterdam under the convoy of English vessels, and in direct breach of the staple contract. But the Convention, to which the protest was communicated, was ready with its counter-complaint; the authorities of Campvere, instead of providing two war-ships twice in the year, as was prescribed by the contract, occasionally sent only one, and sometimes none at all, in which circumstances Scottish traders were driven to seek other protection and other ports for their goods[3]. But the dispute was one which by its very nature was incapable of final settlement. Under the changed conditions of trade the maintenance of the staple was an anachronism which had ceased to be in the interest of either

[1] *Records of the Convention &c.*, IV. 195.—In 1664 the English Parliament passed an Act declaring it a national disgrace for an English merchant vessel to strike its colours to a pirate without showing fight, and enacted that thenceforward, if the captain of a trading vessel of 200 tons, furnished with 16 guns, did not make an effort to defend his ship, he should be disqualified. —Macpherson, *Annals of Commerce*, II. 518.

[2] At the renewal of the staple contract in 1696 the following commodities were specified as staple goods:—Wool, woollen and linen yarn, all woollen and linen manufactures, all hides and skins, plaiding, kerseys, Scotch cloth, stockings, salmon, tallow, oil, all barrelled flesh and pork, butter, dressed and undressed leather.—*Records of Convention &c.*, IV. 217.

[3] *Ib.* pp. 363, 379, 438—445.

contracting party; and, though it was not till so late as 1795 that the Batavian Republic cancelled the privileges of the Scots in Campvere, the ancient connection had long ceased to be of practical effect[1].

From what has hitherto been said it may appear that Scotland was following with but tardy steps the rapid development of other more favoured countries. That this was due neither to lack of intelligence or enterprise on the part of her traders and legislators is abundantly proved by the evidence of the national records. From the opening of the 16th century, which saw a new economical departure in Western Europe, the nation was fully alive to the revolution that was taking place in trade and commerce. Of the 17th century this is especially true. The legislation of burghs, Privy Council, and Parliament alike testifies to the vigilance with which Scottish statesmen and traders sought to follow the example of English and continental rivals. In general, it may be said that Scottish trade legislation closely followed the lines along which England was pursuing her material interests with such auspicious promise. It was by the establishment of manufactories and the promotion of companies that England, adapting herself to the new economical conditions, sought to develop her natural resources and foreign trade; and in Scotland, throughout the same period, the same policy was followed with an eager persistency which merited a better reward.

But, while enterprise and intelligence were certainly not lacking in Scotland, she was hampered by conditions which put her at hopeless disadvantage with her happier neighbour. Her fundamental weakness was the lack of capital, now all-essential if a nation was to hold its own in the international competition. This lack of capital has its sufficient explanation in the natural character and the previous history of the country. A limited area, of which so large a proportion was incapable of culti-

[1] In the *Edinburgh Almanac* for 1847, Sir Alexander Ferrier is described as "Conservator at Campvere."

vation; bad tillage; distance from the great centres of commerce, when navigation was conducted at such risks both from the elements and from the swarming pirates; the hereditary antagonism against England, naturally her commercial ally—it was under these baffling conditions that the country had to fight its way in the great mart of the nations. And it is in the lack of national resources that we find the explanation of those mediaeval conceptions which still held their ground despite the better judgment of the country. When skilled labour was not forthcoming at home, England had drawn upon the artisans of the Continent; but in Scotland there was a dogged opposition to foreigners which was due less perhaps to national antipathies than to the cramping conditions which rendered the introduction of aliens undesirable[1]. And, as it happened, there were special circumstances that rendered this opposition equally powerful and persistent. In England, by the middle of the 16th century, the ancient corporations of craftsmen had been practically annihilated; and the various handicrafts were thus thrown open to all who chose to practise them. In Scotland, on the other hand, these corporations were never more flourishing than in the 17th century, and with their mediaeval traditions opposed a dogged obstinacy to all suggestions of improved methods of manufacture. James VI, on his migration to England, was forcibly struck by the difference of spirit which prevailed among the craftsmen of his two kingdoms; and in his *Basilicon Doron*, in which he conveys his royal counsels to his son Henry, his presumptive successor, he stringently comments on the belated policy of the Scottish trader.

The conservatism of the Scottish craftsmen receives striking illustration in the case of a suggested improvement in the method of manufacturing leather. In 1620 John, Lord Erskine, submitted to the Privy Council a proposal to introduce the

[1] At an earlier period Flemish craftsmen had settled in large numbers in Scotland. See Vol. I. 343.

new process by means of skilled English tanners[1]. The Council accepted Erskine's proposal and granted him a monopoly for thirty-one years; but, from the first, the great majority of the Scottish tanners opposed the innovation with all the means at their command. It was in vain that the Privy Council proclaimed that a comparison of the old and the new processes conclusively proved that the latter produced an article at once cheaper and of better quality; the tanners persisted in their opposition to the new method, nor could pains or penalties induce them to adopt it[2]. The door was not indeed completely closed against foreigners, and hesitating steps were taken at intervals to admit them. Thus in 1588 the Town Council of Edinburgh devoted the sum of £68. 6*s*. 8*d*. for the importation of a number of Flemish weavers, dyers, and fullers with their families[3]; and from two Acts of Parliament passed respectively in 1584 and 1601, we learn that Flemish weavers were at work in Edinburgh with the sanction of the State[4]. But it was the Restoration Parliament of 1661 that took the most decided measures to encourage the settlement of skilled foreigners in the country. By one Act of that Parliament foreign fishermen were invited with the promise of naturalisation and seven years immunity from taxation; and by another, liberty was extended to all foreigners to establish manufactories

[1] A Committee of the Privy Council, specially appointed to examine into the state of the leather manufacture, had reported that the only method of improving it was to introduce skilled English craftsmen.—*Register of the Privy Council of Scotland*, XII. 189 et seq.

[2] The story of the opposition of the tanners is told in the successive volumes of the *Privy Council Register*, Vols. XII. et seq.

[3] *Records of the Burgh of Edinburgh*, IV. 530. In 1586 licence was given to certain Huguenots to practise their crafts in Edinburgh (*Ib.* pp. 458—9). They and their ministers had been invited by James VI to settle in Edinburgh.

[4] By the latter Act Edinburgh was to lose its privilege of cloth-making unless it introduced foreign craftsmen. The terms of the Act imply that the burghs had agreed to receive foreigners, but that they had done so against their will.

in any burgh of the kingdom—an invitation which was confirmed by an Act in 1681[1].

In Scotland as in England the general interests of trade and commerce formed part of the wide jurisdiction of the Privy Council, special committees of which were at times appointed to deal with particular questions that might arise. In both countries, however, the need for a specific body came gradually to be felt; and in Scotland, in 1661, an Act was passed for the establishment of a Council of Trade[2]. It was to meet at suitable times and places, to suggest improvements for the regulation of trade, navigation and manufactories, to establish companies, to prescribe their respective privileges, and to adjudicate between their differences. In 1705 a similar Council of Trade was constituted, but with larger powers. Its main business was to report on the state of trade in the country, to note the effect of the protective laws on manufactories, and to pass judgment on all who transgressed them[3]. Chosen by Parliament from the nobility, barons, and burghs, the Council was to present its report in the following session for the guidance of future legislation.

Assuredly it was not for lack of encouragement by the legislature that Scotland lagged behind in the race of nations. From the close of the 16th century to the union of the Parliaments in 1707 the Scottish Statute-book is crowded with laws which, if, as often as not, more likely to defeat their objects than to serve them, were at least well intended and in full accord with the economic doctrines of the time. On one object the legislators set their minds with a praiseworthy persistency, which, but for the impediments already noted, must have effectually served the interests of the country. The general industrial development of the 16th century had shown that the day had gone by when the national industries could be left in the hands of the individual worker. In all the countries

[1] *Acts of Parl. of Scotland*, VII. 260, 261; VIII. 349.
[2] *Ib.* VII. 273. [3] *Ib.* XI. 294—5.

that were commercially flourishing, companies were displacing the individual; and, if a nation were to hold its own against its rivals, it was through the agency of companies it must attain its end. To the promotion of companies, therefore, the Scottish Estates addressed themselves with an enthusiasm which at times suggests the visionaries of Lagado. Thus, by the first Parliament of Charles I, on the ground that the country was "spoiled and destitute of money as little or none is left herein," it was recommended that "societies and manufactories" be established in all the chief burghs. The good results that would flow from such a policy were impressively enumerated; the poor and idle would be supplied with employment; the money that now went out of the country for the purchase of foreign goods would be kept at home; foreign money would flow in for the purchase of native manufactures; and finally and chiefly the value of money would be raised to a par with that of other countries[1]. This vision of a flourishing manufactory in all the principal burghs preoccupied the minds of the legislators throughout the whole century. Under the rule of the Covenant, Parliament was specially energetic in promoting the great project. A manufacturing committee was appointed for the purpose of establishing trade corporations, and endowing them with such privileges as were consonant with existing laws[2]. In every shire a "school or manufactory" was to be set up, to which every parish was to send one or more boys, who should be apprenticed for seven years in order that they might be instructed in the art of cloth-making[3]. The inducements held out to enterprising persons were sufficiently alluring. Masters and men were to be exempted from military service, from taxation, and from the quartering of troops—the last burden being a long-standing and bitter grievance of the burghs[4]. In the Restoration Parliament still further privileges were conferred on existing or prospective companies. They

[1] *Acts of Parl. of Scotland*, v. 178. [2] *Ib.* v. 412. [3] *Ib.* v. 657.
[4] *Ib.* VI. Part i. 367.

were to possess a monopoly of such goods as they produced, which were likewise to be exported duty-free[1]; and they were to have power to impress all beggars, vagabonds, and idle persons and set them to work in their manufactories[2].

What, we naturally ask, were the articles to be produced by the companies that were thus so sedulously encouraged by the legislators? It may be briefly said that if the output of manufactured goods had been in proportion to their multitude and variety, Scotland would have been as prosperous a country as the most flourishing of her neighbours. It was in the reign of James VI that the first serious attempt was made to introduce new manufactures into the country; and the process went on with accelerating pace throughout the whole of the 17th century. Here is a list of commodities, the working of which was either new or according to improved methods: various kinds of cloth (serge, grograms, ginghams, fustian, bombasine, baize), stockings, leather, canvas, cordage, thread, lace, perfumed gloves, ribbons, gunpowder, alum, salt, vinegar, oils, paper, soap, sugar, combs, needles, pins, cords, bells, porcelain, earthenware, coaches, chariots, sedan-chairs, and harness.

Of all these commodities, salt, woollen cloth, and linen yarn alone produced a considerable return. From a trade report of 1614 we learn that of the total value of all the manufactures of the country considerably more than a third accrued from woollen cloth, about a fourth from salt, and about a fifth from linen yarn; and these proportions appear to have been maintained throughout the century. In 1631 the coal and salt industries together occupied twelve thousand persons, men and women; and half of the country's shipping was employed in the export of these commodities[3]. Throughout the country, however, the salt industry suffered considerable fluctuations. In 1639 the salt-masters complained that their trade was being

[1] *Acts of Parl. of Scotland*, VII. 253. [2] *Ib.* VII. 485.
[3] *Register of Privy Council*, IV. 255 (Second Series).

ruined by a salt monopoly in England[1], and in 1645 that their profits had been so low that they were unable to pay the existing tax on salt[2]. But what told most heavily against the development of the industry was the fact that Scotch salt was unsuitable for the curing of fish. Various ingenious persons came forward with proposals for producing a salt with the requisite qualities; but it was not till 1696 that, in the teeth of the protesting salt-masters, a satisfactory process received the sanction of the Estates[3].

More important as a national industry than salt was the coarse woollen cloth known as plaiding. Leaving salt out of account, the return received from the manufacture of plaiding was equal to that of all other industries taken together. It was manufactured in all parts of the country, even in the Western Islands, from which it was procured by traders from the Netherlands and Denmark; and it employed a larger number of hands than any other industry. Such being the economic importance of plaiding, it was matter of prime concern that its manufacture should receive careful encouragement. In pursuance of this end two main conditions had to be considered if its prosperity was to be maintained: the good quality of the cloth must be secured, and those who dealt in it must have every chance of the highest possible profits. The procedure of the Government in both cases was in strict accordance with the economical creed of the time. At the Convention of Estates which met in 1630, the burghs presented a petition drawing attention to a serious mischief which had arisen in connection with the trade in plaiding. In selling their material the manufacturers had come to adopt the method of selling it in the form of "hard rolls" instead of "open folds." Several evils had resulted from this practice: cloth of inferior quality was foisted on the buyer who had not the opportunity of examining it when it was presented in the form of rolls; and, as often as

[1] *Acts of Parl. of Scotland*, v. 601. [2] *Ib.* vi. 147.
[3] *Ib.* x. 67.

not, the purchased cloth was not of the length and breadth alleged by the seller. Thus not only were the lieges defrauded, but foreign markets would be lost if cloth of inferior quality should continue to be exported[1]. A succession of Acts ordained that the plaiding should be sold only in open folds; but, as in the case of so many Scottish statutes, these Acts appear to have been but lightly regarded by interested parties. To secure favourable conditions for the national industry, the Estates duly followed the example set by other countries. In 1597 the importation of English woollen cloth was strictly prohibited[2]—a law which fell into abeyance as one of the results of James VI's abortive project for the union of the Parliaments. The English Navigation Act released the Scots from any tender considerations regarding the interests of their neighbours; and in 1663 heavy duties were imposed on a long list of English goods—on woollen cloth among the rest. In the war of international tariffs, mainly occasioned by the protective policy of Colbert, Scotland followed the example of her neighbours; and in 1681 a sweeping statute was passed which closed the door against all foreign manufactures[3].

But Scotland's greatest source of wealth was not in her tentative and meagre manufactures but in the riches of her neighbouring seas. From the earliest times the export of fish had been a main source of the national income. "Piscinata Scotia," we are told, was a common designation of Scotland in the Middle Ages; and by the same authority[4] we are informed, doubtless with some exaggeration, that the fish taken on her shores sufficed for the needs of Italy, France, Flanders and England. From the trade report of 1614 already quoted, it

[1] See Index to *Register of Privy Council*, Vol. v. (Second Series), s. v. *Plaiding*.

[2] *Acts of Parl. of Scotland*, IV. 119.

[3] *Ib.* VIII. 348—9.

[4] Pedro de Ayala, the agent of Ferdinand and Isabella at the Court of James IV.

appears that the average annual value of the fish taken in the Scottish seas amounted to £153,000, of which £47,000 and £100,000 were derived from salmon and herring respectively. To preserve and foster this great industry and source of wealth was the solicitous concern of the legislature throughout the 17th century; and the task was a more difficult one than it had been at any previous period. At all times the boats of other countries had made free with Scottish fishing-grounds; but in the 17th century English, Dutch and Danish craft trespassed to a degree that seriously affected the national profits. Moreover, the enterprising Dutch had invented a method of barrelling fish which gave them a decisive advantage in the continental markets.

For the promotion of the fishing industry the same policy was adopted as in the case of manufactures—the formation of companies with privileges or monopolies which would enable them to hold their own against foreign competition. The most ambitious attempt in this direction was an enterprise launched in 1630, and ardently advocated by the King himself. This was an international joint-stock company in which English, Scots, and Irish should all have a share, and the object of which was at once to make a preserve of the Scottish fisheries and to extract from them the greatest possible profit. As the enterprise was projected, 200 vessels were to be constructed in addition to those already existing; and there were to be three "returns" in the year, the net annual profit from which was reckoned at £165,414. The projected company was highly obnoxious to the Scottish burghs, who saw in it only another instance of English rapacity; but in 1632, under the designation of the "Association for the Fishing," it was formally constituted by royal charter[1]. Unacceptable to all Scots engaged in the fishing industry, however, the Association appears never to have flourished; and in 1690 it was finally dissolved, the

[1] *Acts of Parl. of Scotland*, v. 220—244.

right of fishing restored to all the lieges, and their ancient monopoly of export re-assigned to the royal burghs[1].

But the Association for the Fishing was only one among other attempts to promote that industry through the means of companies. Thus, in 1685, the privileges of a manufactory were conferred on such as were engaged in the Greenland whale fishing[2]; and in 1700 there was a proposal to place the herring fishing on a national basis[3]. By the granting of bounties, also, the Estates sought to promote the same good end. Yet, in spite of all these praiseworthy endeavours of the legislators, the impression was general, both immediately before and after the Union, that much still remained to be done if the country was to derive the full advantage from a source of national wealth which nature, in other regards so niggardly, had so generously placed at its disposal.

The changes in the relative importance of the towns which took place in the 17th century may partly illustrate the new conditions under which commerce was now successfully conducted. If we now find certain towns shooting ahead of their rivals, this was not so much due to the superior energy of their citizens as to advantages of situation and surroundings which favoured them alike in relation to home and foreign trade. In the 16th century the chief towns had stood in the following order with respect to their taxable value: Edinburgh, Dundee, Aberdeen, Perth, St Andrews, Cupar-Fife and Montrose, Stirling, Ayr, Glasgow, Dumfries, Inverness, Linlithgow, and Haddington. By the opening of the 18th century this sequence underwent considerable mutations. On the occasion of a tax of £100 imposed on the royal burghs in 1705, the following contributions were made by the principal towns: Edinburgh £35,

[1] *Acts of Parl. of Scotland*, IX. 224.—In 1645 a Frenchman, Hugo l'Amey [sic], made a singular proposal to the Estates. On condition of receiving a grant of all the Scottish fisheries he undertook to introduce and superintend the cultivation of Indian corn throughout the country.—*Ib.* VI. 372.

[2] *Ib.* VIII. 490. [3] *Ib.* XI. 170.

Glasgow £20, Aberdeen £4. 18*s.*, Perth and Dundee £4, Dumfries £1. 18*s.* 4*d.*, Montrose £1. 13*s.* 8*d.*, Kirkcaldy £1. 10*s.* 2*d.*, Inverness £1. 8*s.* 6*d.*, Elgin £1. 8*s.*, Linlithgow £1. 7*s.*, Stirling £1. 5*s.*, Ayr £1. 1*s.* 4*d.*, all other quotas being under £1[1]. In the case of some of the burghs their comparative decline was due to accidental circumstances for which their inhabitants were not responsible. While Dundee held the second place in the 16th century, in the beginning of the 18th it held only the fourth or fifth—a declension due in large measure to the rough handling of General Monk, from which it had never wholly recovered. At the date of the tax the trade of Glasgow already greatly exceeded that of Edinburgh; but, on the other hand, the value of the lands, houses, and rents, on which the tax was levied in Glasgow, was inconsiderable compared with that of similar property in Edinburgh[2].

In the case of the seaport towns in general we have conclusive proof that during the latter half of the 17th century the development of trade must have proceeded at a rate beyond that of any previous period. For the years 1656 and 1692 respectively we have reports of the shipping and tonnage of the principal seaports—the one by the Cromwellian Commissioner, Thomas Tucker, the other by the authorities of these towns themselves. In 1656 Leith (that is Edinburgh and Leith) owned some 12 vessels, two or three of 300 tons, and the remainder consisting of smaller craft; in 1692 the numbers were 12 vessels ranging from 150 tons to 70, and 17 ranging from 40 to 14. While in 1656 Glasgow had only 12 ships ranging from 150 tons to 12, in 1692 she had 19 ranging from 200 tons to 30[3]. In the case of other towns we find proof of a more rapid development; and from a comparison of the two

[1] *Records of the Convention of Royal Burghs*, III. 371.

[2] *Ib.* IV. 36. At the time of the Union the population of Edinburgh was about 30,000; of Glasgow, 15,000; of Dundee, 10,000; of Perth, 7,000.—Chalmers, *Caledonia*, I. 181.

[3] Both of these reports will be found in the *Miscellany of the Scottish Burgh Records Society.*

reports we are led to conclude that the shipping and tonnage of the country had almost doubled in the course of half a century[1].

The state of the currency through the 17th century was a serious impediment to commercial progress. Though the same evils existed in other countries, there were circumstances in Scotland which rendered them specially acute and disastrous. The ancient custom still prevailed of leasing the mint to individuals or corporations, with the result that the coinage became a private venture conducted mainly in the interest of the tack-holders. Milling was introduced in 1637, but was practised with so little system that the forging and uttering of false coin, an ancient and general offence, went on as vigorously as ever. What produced the greatest confusion, however, and perpetually distracted the legislature was the influx of foreign coins, which at times almost superseded the native money. Again and again the importation of these foreign coins was prohibited under penalties; but interested traders evaded the law, and the prohibited pieces continued to flow into the country, to the ruin, we are told, of all honest dealing[2]. The Scottish coins in circulation were mainly silver or copper, gold pieces being almost never seen. At the time of the Union, it has been reckoned, the value of the silver and copper money in circulation amounted in each case to £60,000, while the amount in gold was only £30,000[3]. The foundation of the Bank of Scotland in 1695, only a year later than that of the Bank of England, is another proof that Scotland was doing her best to follow the lead of other countries. While the capital fixed for the English Bank, however, was £1,200,000, Scotland

[1] A comparison of the revenues at the middle and the end of the 17th century yields another proof of the commercial progress of the country. The revenue in 1657 was £37,690. 19*s*. (Macpherson, *Annals of Commerce*, II. 473), and about the time of the Union £160,000 (Stanhope, *Reign of Queen Anne*, p. 281).

[2] After the Union £13,280 of foreign money and £40,000 of English were called in.—Hill Burton, I. 172, note (Ed. 1873).

[3] Chambers, *Domestic Annals of Scotland*, III. 332.

was content with £120,000—a disproportion which yet does not measure the relative wealth of the two countries[1].

According to the well-known statement of Fletcher of Saltoun, the population of Scotland about the time of the Union was 1½ millions, of whom 200,000 existed by begging from door to door[2]. Both of these statements could only be based on conjecture; and both, we have good reason to believe, are manifest exaggerations. That mendicancy abounded in town and country, however, the Parliamentary and burgh legislation of centuries gives superabundant proof. In the case of the poor as in the case of commerce we find the Scottish legislators making the same heroic efforts to follow the example of more prosperous countries. The new methods of dealing with mendicancy which were adopted by continental cities in the 16th century were conscientiously imitated by the Scottish burghs. But in this laudable effort they were hindered by the same disability as in the case of the development of trade; the means were not forthcoming to put their excellent laws into execution, and beggars remained the same perennial plague which they had been since legislation began. One of the chief means adopted in the 16th century for diminishing mendicancy was the establishing of work-houses for the employment of able-bodied beggars; but, though the utility of these institutions was fully recognised in Scotland, it was not till 1632 that the Estates passed an Act ordaining that correction-houses be erected "within several parts of this Kingdom[3]." That similar Acts had to be passed at least thrice during the remainder of the century would seem to prove that the injunction was practically a dead letter[4].

If this is a somewhat dismal picture of Scotland at the close

[1] According to Lockhart of Carnwath, the relative resources of Scotland and England were as 1 to 50. According to Fletcher of Saltoun the proportion was 1 to 30 (*Works*, p. 67).

[2] *Works*, pp. 68, 100.

[3] *Acts of Parl. of Scotland*, v. 49.

[4] According to Fletcher, Holland was the only country that provided work-houses for the poor (*Works*, p. 90).

of the 17th century, it is to be remembered that she was by no means alone in her misery. In England, at the time of the Revolution, a fourth of the population was "more or less dependent on parochial relief"; and in the years immediately following "pauperism increased with frightful rapidity[1]." Compared with Germany, still desolated by the results of the Thirty Years' War, Scotland might be considered an enviable country. Nor would the Scottish peasant have been a great gainer if his lot had been cast in the contemporary France of Louis XIV. At the opening of the 18th century a tenth of the French nation were actual mendicants, and of the remainder a fifth were not in a position to render them assistance. "The cultivation of land," writes Fénelon in 1710, "is almost abandoned; town and country are dispeopled; every trade is in a state of decay, and workmen are deprived of their sustenance. France is one great hospital; everywhere is desolation and want[2]." Even Fletcher's picture loses something of its blackness when confronted with this of Fénelon.

In one respect, at least, Scotland had an indisputable advantage over wealthier and more prosperous countries; education was more widely spread among all classes than in any other nation[3]. It was the testimony of English as well as Scots that the middle and lower classes in Scotland were at once more intelligent and better instructed than the same classes in England[4]; and England bore a favourable comparison with France and Germany. In regard to the nobility and gentry of the two countries we have similar evidence. The Scottish gentry as a class were admittedly superior to the English

[1] Cunningham, *Growth of English Industry and Commerce*, II. 379 (Ed. 1892).

[2] Lavisse et Rambaud, *Histoire Générale* (1895), VI. 247.

[3] According to Lockhart (*Memoirs*, p. 251) it was a proverbial saying of the English that "they never saw a Scotsman a fool." Probably Lockhart, in his patriotic zeal, gave the saying a favourable turn.

[4] Cf. Vol. II. 453.

squirearchy, alike in accomplishments and knowledge of the world. While the English squire rarely left the bounds of his native parish, the Scottish gentleman, in accordance with long precedent, not infrequently continued his studies in foreign schools, in France or Holland and Italy, and completed his education by a course of travel. To the attainments and wide outlook of the Scottish nobility the State Papers of the period, which contain the correspondence of many of them, afford the most signal proof. More frequently than not, their letters are models of lucid and forcible statement; and in the best of them there is a suggestion of literary culture, due, as we learn, to the wide-spread study of Latin, French, and Italian[1] among the leisured classes everywhere in Scotland. It cannot be said that the national spirit was open to large and tolerant ideas, but there was an educated opinion in the country which for seriousness and receptivity was as enlightened as that of any nation in Europe. In Scotland it was noted that the Newtonian theory found readier acceptance than among Newton's own countrymen[2].

The final impression we derive from a survey of the development of Scotland throughout the 17th century is that the nation was ripe for a larger scope than was possible under existing conditions. The initiative, the enterprise, the intelligence were there in large degree; and only the opportunity was needed for her to take her place and hold her own in the rivalry of the nations. At the opening of the 18th century she was absorbed by the same ambition that preoccupied the leading peoples of Europe—the ambition to develop her material resources out of the sheer necessity of self-subsistence. "Trade," writes Fletcher of Saltoun, "is now become the golden ball for which all the nations of the world are con-

[1] Acquaintance with Italian is curiously displayed in the Scottish State Papers of the time. Earl Stanhope was struck by this fact (*Reign of Queen Anne*, p. 202).

[2] Cf. Lecky, *A History of England in the Eighteenth Century*, II. 45.

tending[1]." But if Scotland was to have her share of success in this contention, there were two indispensable conditions she must accept after the example of the countries that were dividing the trade of the world among them. The mediaeval traditions must be abandoned which set freeman against unfreeman, town against town, and subordinated the interest of the nation as a whole to the interests of every separate community. A national commerce directed by the State had in all the prosperous countries superseded the mediaeval policy of the predominance of the town; but, as we have seen, this revolution had for special reasons been but imperfectly accomplished in Scotland. The other condition was equally forced upon her by the exigencies of the time. As the world now went, it was only the powerful States that could command the necessary conditions for the development of a national trade. The wars of the Grand Alliance and of the Spanish Succession were the results of the alarm of England and the Low Countries lest France should wrest commercial supremacy from both of them; and it was through sheer superiority of force that England had in the course of the 17th century won her way against Holland in the international competition. Should Scotland resume her former isolation from England, therefore, she would have to hold her own against opposing forces, the very effort to cope with which would have drained the resources which it was her necessity to multiply. It was thus the pressure of circumstances beyond her control that drove her into that closer union with England which was, in truth, a necessary consummation for the existence of both.

A heavy price indeed had to be paid for the momentous transaction. It was at the cost of the institutions with which her independence as a nation was bound up that she could alone secure the advantage which had become indispensable for the development of her resources. Nor can it be doubted that in the case of the Scottish people the surrender of their

[1] *Works*, pp. 287—8.

autonomy was a sacrifice to which only the instinct of self-preservation could eventually have reconciled them. The prolonged struggle that had been necessary to conserve national independence, the very intensity of the antagonisms which had so often cleft the nation in twain, had fostered a passionate and aggressive patriotism which characterised the Scot equally at home and abroad. The two institutions which the nation had in succession to surrender—its own Parliament and Privy Council—were the symbols of the independence which had been so dearly won and so stoutly maintained. It was a fortunate circumstance, however, that they were generally regarded only as symbols. The history of neither institution during the century that preceded the Union had been such as to give it a place in the hearts of the people. Men of all parties were agreed that both had been the instruments of the greatest evils from which the country had suffered in the disastrous century that had passed since the Union of the Crowns. In point of fact, throughout the whole of the period, neither Parliament nor Privy Council had been in any sense a national institution. Under successive Kings both had alike been but the convenient means through which they had imposed their will on the nation. "The worst of Chambers," said Cavour, "is better than the best of ante-chambers"; and the Scottish Parliament and Privy Council had been but the ante-chambers of the Court since James VI had assumed the Crown of England. "Long ago," writes one in 1700, "it hath been a problem in Scotland whether Parliaments were useful or not." It was in truth mainly as symbols that the two bodies were regarded by the nation at large; and in an age when material interests were over-riding every other, the conviction, however reluctant, was bound to prevail that between a pseudo-independence and a perilous isolation on the one hand, and material interests on the other, the alternative was decided by destiny itself.

CHAPTER III.

ANNE, 1702—1714.

I. The Union Impending, 1702—1705.

The accession of Anne was for many reasons highly acceptable to the Scottish people. The succession of untoward events during the late reign of itself disposed them to hail the accession of a new sovereign as the dawn of a happier day. Whatever might be the character of William's successor, there would not be a repetition of Glencoe and Darien. But the accession of Anne was welcomed for other reasons. Loyalty to the House of Stewart had survived all the nation's trying experiences of its latest representatives; and it was a genuine source of national satisfaction when a legitimate Stewart once more sat on the throne of the three kingdoms. Moreover, the accession of Anne was a salve to the national conscience, which had not ceased to have its misgivings regarding the expatriation of the native line of princes.

But, if the new sovereign was cordially welcomed by the people at large, it was otherwise with the group of politicians who had been the principal agents in the government of William. With the exception of Lord Murray, son of the first Marquis of Atholl, all the chief officers of state were Whigs bound by their previous action to the principles of the Revolution[1]. But that the daughter of James VII would give her

[1] Lockhart, *op. cit.* I. 42—3.

unqualified support to these principles was an expectation which no English or Scottish statesman could entertain. That there would be serious changes in the public policy everyone was assured, though with what rapidity and to what degree was as yet only a matter of anxious conjecture. The character and sympathies of Anne, however, were already sufficiently known to justify a forecast of the general lines which her policy would follow. She would not be a ruler with the commanding character of her predecessor; the probability was that her government would be mainly determined by the advisers who might secure her ear, and it was precisely this consideration that agitated the politicians of both countries from the day of her accession. To what parties in State and Church she naturally inclined was already well known to her subjects in both countries; if left to herself, it was fully understood that in politics she would give herself to the Tories, and that in religion she would be the champion of the Church of England.

The anticipation of such a problematical future could not fail to distract the counsels of the politicians in Edinburgh. It was a crisis well calculated to test at once the strength of political convictions and the virtue of public men. One of the results of the Revolution had been that it had changed the conditions of political life. Under the *régime* of the later Stewarts statesmen had been merely the nominated officials of the Crown, the interests of which they were bound to serve at the risk of losing their place. By the transfer of power to the Parliament, which had been effected by the Revolution, statesmen were placed in new relations at once to the sovereign and the people, which involved a wider scope of individual action, fraught at once with good and evil to the nation at large. Throughout the reign of William there had been a scramble for power and place such as had been unknown in previous reigns; and under the government of a queen, and a queen of the character of Anne, it was to be anticipated that the game of politics would be one in which

only audacity and intrigue would hold their own. It was with the disquieting sense of such a future that the politicians sitting in Edinburgh received the news of the accession of the new sovereign; of their perturbation at once for their personal interests and for the interests of their country the opening months of the new reign were to afford signal proof.

The first steps of Anne were reassuring to the late King's Scottish ministers. In the presence of some twelve of them she took the coronation oath, 1702 the omission of which had been held such a grave offence on the part of her father[1]. But before this action a more significant step had been taken, which proved that in one all-important line of policy she was prepared to follow the example of William. It was William's dying bequest that, in the interests of both kingdoms, an *incorporating* union should be consummated at the earliest possible date; had he lived, it was his intention to press the great question at the next meeting of the English Parliament. As was proved by her subsequent conduct, Anne was herself personally convinced of the desirability of union; and it was a proof of her conviction that her first act with reference to Scotland was to recommend it. In accordance with a suggestion made in her first speech to the English Parliament, a Bill was passed ordaining that Commissioners of Union should be chosen from both countries. It was not till a later date in the same year (1702) that the Commissioners were actually appointed and addressed themselves to their task; but the initiative had been taken, and through all the vicissitudes of parties the great end was never to be forgotten.

As it happened, the opening months of Anne's reign saw England involved in a policy which, little as the two nations suspected it, was to be the most powerful means of linking them in a common destiny. On the 4th of May, England (for since the Union of the Crowns, though Scotland had to bear

[1] Burnet, *Hist. of his own Time* (Oxford, 1822), v. 20.

her own burden in England's wars, she had no part in declaring them) proclaimed war against France. At this period Louis XIV was at the height of his power and glory, and the controller of the most powerful armies in Europe. For twelve years England was to be engaged in a trial of strength with this formidable enemy; and it was through the experience of her long conflict that her statesmen became gradually convinced that Scotland was necessary to her. As in the days of Elizabeth and Mary, Scotland might be an instrument in the hands of her enemies which might cripple her alike in her foreign and domestic policy. At any moment, Scotland in rebellion against her ill-assorted partner might invite England's enemies to her shores, with results that might be equally disastrous to both and would certainly be disastrous to England. Fortunately for both countries, the victories of Marlborough placed England precisely in the position that enabled her successfully to promote the Union which she was constrained to desire. Had her armies suffered a crushing defeat, it may indeed be doubted if the Union would have taken place when it did. Discredited in the eyes of the Scottish people, she could not have made her overtures with the same authority and prestige; and other interests and other cares would have diverted both nations from pursuing a purpose which was common to both. As it happened, the War of the Spanish Succession and the success with which England waged it produced the necessary conditions out of which union could naturally arise. Thus, while politicians wrangled and intrigued in protracted negotiations over the conditions of incorporation, they were urged onwards by forces of which they were hardly conscious.

The beginning of the new reign in Scotland gave a foretaste of what was to be its character to the end. Under William's strong hand the various parties which divided the country had been held in comparative check, but only the opportunity was needed to evoke the violence of their antagonism. A technical difficulty was the occasion of the first

conflict between the Whigs who had steadily supported the Revolution and the Tories who had always looked askance at it. By an Act of Parliament of the late reign (1696), similar to one passed by the Parliament of England, it had been settled that the existing Parliament should meet twenty days after the King's death, and should continue to sit for the space of six months. This was a constitutional innovation in the case of both countries, but both Parliaments had been strictly within their powers in effecting it. The arrangement, however, was not acceptable to the Scottish Tories at this particular juncture; an appeal to the electorate, they were convinced, would give them an overwhelming majority in a new Parliament. As the Estates did not meet within the prescribed twenty days, it was urged that they had forfeited their claim to be considered a legal body and that a new election was imperative. The prescribed day of meeting had hardly passed when the Tory chiefs took energetic steps to compass their end. In a body, the Duke of Hamilton and the Marquis of Tweeddale among them, they proceeded to London to persuade Anne to issue writs for a new Scots Parliament[1]. But for reasons of their own, Anne and her advisers did not welcome the proposal[2]; the English Parliament of the late reign continued to exist, and it was desirable that that of Scotland should work along with it. With minds that boded mischief the Tory leaders returned to Scotland and awaited the meeting of the Estates in which they knew they could play but a secondary part.

It was doubtless from the anticipation of a tempestuous session that the meeting of the Estates was delayed till the 9th of June—three months after the death of the late King.

[1] Lockhart, *op. cit.* I. 43; *Miscellany of the Scot. Hist. Soc.* I. 413—4.

[2] Anne submitted the question to the Scottish Privy Council, which decided that she could adjourn the meeting of the Estates beyond the prescribed twenty days.—Hume of Crossrigg's *Diary* (Ban. Club, 1828), pp. 80—1.

The continuance of the Duke of Queensberry in the office of Royal Commissioner was an indication that the Government contemplated no immediate change of policy. While his father had been one of the most willing agents of James VII, the second duke had from the beginning been a steady supporter of the Revolution. If anything further had been needed to exasperate the Duke of Hamilton against the existing *régime*, it was the place accorded to Queensberry. Between the two there was a personal and family rivalry which grew into a mutual hate aggravated at every step by the development of public affairs[1]. As they were to be the two great protagonists in the battle of the Union, it is as well that we should have their portraits distinctly before us. Neither can be considered to have been a great man, but they both appear to have impressed their contemporaries as great personages.

In the characters of both there was a personal fascination, due to widely different qualities in each, which counterbalanced salient defects of mind and temper. Of meagre person, with dark complexion, Queensberry, who had now turned his forty-fifth year, was a master in the art of dealing with men[2]. Gentle, insinuating, with an enticing air of hesitation, he possessed in special degree that *douceur séduisante* which has been noted in men like Talleyrand and Louis XI. Everything he did was done with a nonchalant grace which he never lost in the most trying emergencies. He was accused of neglecting the duties of his office, but the soft persistency with which he attained his principal objects is the sufficient proof that the neglect was more apparent than real. That he was the man subsequently chosen to carry the Treaty of Union through the Scottish Parliament is conclusive evidence that of all the statesmen of the time he possessed in largest degree the temper and tact and resolution which the task so eminently required.

[1] Lockhart, *op. cit.* I. 53.

[2] *Memoirs of the Secret Services of John Macky, Esq.* (Lond. 1733), pp. 179—180.

His rival and adversary, Hamilton, was in opinions and natural qualities a striking antithesis. Hamilton had early made his peace with William, but throughout the whole of William's reign he had shown himself the violent opponent of the principles of the Revolution. He was now about fifty years of age, of middle stature, of a "black coarse complexion" and "a brisk look[1]." Stately and somewhat arrogant in manner, he was adjudged by his contemporaries to be one of the most accomplished noblemen of his time[2]. Though he doubtless owed much to his exalted rank and his great possessions, he had personal gifts which would have given him a foremost place in any deliberative assembly. In the qualities requisite to the leader of a political party, however, he was gravely deficient. Violent in speech and action, he was lacking both in tact and steadfastness of purpose; and his conduct was frequently characterised by a caprice or irresolution which strained the allegiance of his warmest supporters. So singular were his vagaries at certain critical moments that, as in the case of his ancestors in the reigns of Mary and Charles I, an explanation was sought in his family claims to the royal succession. All three representatives of the house of Hamilton lived in times when a turn of events might have placed them on the throne; and in the ambitious policy of all three their contemporaries suspected personal motives as its only adequate explanation. But whether Hamilton's vacillations were due to personal character or family ambition, it was of the first moment to the successive Governments that the man whose abilities and authority could have done them the greatest mischief was such as he was.

[1] *Memoirs of the Secret Services of John Macky, Esq.* (Lond. 1733), pp. 176—8.

[2] An Englishman, who heard Hamilton in the Scottish Parliament, speaks of his "usual haughty and bantering air."—*A Journey to Edenborough in 1705*, by Joseph Taylor, late of the Inner Temple (ed. William Cowan, Edin. 1903), p. 117.

On the opening day of the session (June 9, 1702) Hamilton gave an illustration of his headstrong character. At the close of prayers he rose with the intention of speaking, when he was interrupted by the Chancellor, the Earl of Marchmont, who reminded him that the House was not yet constituted. Hamilton persisted; he had a paper to read to the House, he said, and he proceeded to read it. The paper contained the burden of what he and his party had all along maintained—a protest against the legality of the sitting House. The whole proceeding had been previously arranged; and, when he had concluded his reading, he walked out of the House accompanied by fifty-seven members, to be received in the street by cheering crowds who had been waiting the event[1].

As the subsequent proceedings of the House proved, Hamilton had committed a tactical blunder. There remained after the secession a body of one hundred and twenty members (contemptuously known as the Rump), who were virtually unanimous in passing a succession of measures exclusively in the Whig interest. Of this unanimity a striking example was given on the fourth day of meeting. Sir Alexander Bruce of Bromhall ventured to remark that there were some things in Presbyterian Church government inconsistent with monarchy. Instantly there was a general cry of "To the Bar, to the Bar"; and it was promptly decided that the offending member should be expelled and that his constituency[2] should send up another representative[3]. A succession of Acts, all tending to confirm the principles of the Revolution, showed how completely the members were of one mind. The present session of Parliament was declared a "free and lawful meeting"; in accordance with the Claim of Right, which virtually based the Crown on

[1] *Marchmont Papers* (Lond. 1831), III. 240—1; Hume of Crossrigg's *Diary*, p. 83. The numbers of the protesters are variously given; I have adopted those given by the Earl of Marchmont, who was present.

[2] The burgh of Sanquhar.

[3] *Marchmont Papers*, III. 241; Hume of Crossrigg's *Diary*, p. 88.

a Parliamentary title, Anne was acknowledged the lawful successor of William; and the Presbyterian Church as established at the Revolution was confirmed as the Church of the nation. The sensitive zeal of the House was curiously illustrated in a minor matter which occupied its attention to the close of the session. It had come to its knowledge that the Faculty of Advocates had signed an address to the Queen couched in terms "very undutiful and unbecoming." On investigation it was discovered that only about twenty advocates, and these "only young men of no note," out of a body of a hundred and forty-five, had signed the address. But, as was to be shown at a later date, the Faculty was fervently Tory in its sympathies; and the procedure of the House, which ended in no definite result, was but the action of a political party eagerly seizing the opportunity of humiliating its opponents. Zealous and unanimous as was this Parliament, however ("all one man's bairns," as Lockhart described it), it did not close its sittings without an indication that there were perilous differences of opinion which were of menacing import for future political harmony. It had been the recognition by Louis XIV of the son of James VII that had roused England to its declaration of war against France; and the English Parliament had emphasised its defiance by an Act of Abjuration against the Pretender. With interested zeal the Earl of Marchmont indiscreetly sought to introduce a similar Bill into the Scottish Estates; but the passion with which it was rejected showed how differently the exiled House was regarded by the two nations[1].

The Parliament closed its sittings on the 30th of June; but before it rose it had taken the first, though, as it proved, ineffectual step towards union. Following the example of the Parliament of England, it requested the Queen to appoint Commissioners to negotiate the terms of an international settlement. On the 10th of November the 1702

[1] *Marchmont Papers*, III. 242 et seq.; Lockhart, *op. cit.* I. 48—9.

Commissioners, twenty-three for England and twenty-one for Scotland, met in the Cockpit at Whitehall, then the Privy Council Chamber. The history of their proceedings proves that on the part of England, at least, there was no great eagerness for a successful issue. To the annoyance of the Scots the English Commissioners gave but irregular attendance, on eight occasions even failing to make a quorum[1]. It was of good omen, however, that on two all-important points both bodies were unanimous—that there should be a common legislature, and that in accordance with the Act of Settlement the succession should descend on the Electress Sophia and her heirs. But it was when the questions of trade and taxation came to be considered that what were supposed to be the conflicting interests of the two countries became clearly apparent. As these difficulties had again to be faced at a later day, they need not here detain us. What this first abortive Commission proved was that in neither country was opinion yet sufficiently matured to exercise a compelling force on its representatives. In the case of both countries the experience of the next few years was needed to supply the momentum requisite to overcome difficulties which now appeared insuperable. When the Commission rose on February 3, 1703, it was on the understanding that it should resume its meetings in the following October[2]; that it never again met is the sufficient proof of its futility.

1703

While the Union Commissioners were still sitting at Whitehall, Scotland was undergoing a novel experience; for the first time since 1689 she was engaged in electing a Parliament—the last, as it was destined, that she was ever to elect. As all parties comprehended the momentous issues at stake, their efforts were proportionably

[1] The English Commissioners are said to have excused their remissness on the plea that the Commissioners for Scotland did not represent the real feeling of the Estates.

[2] *Acts of Parl. of Scotland*, XI. Appendix, 145—161.

directed to secure such a representation as would further their respective aims. Under the existing conditions of election, a Parliament that would express the free and spontaneous will of the nation was an impossibility equally north and south of the Border. Bribery and coercion did not, indeed, prevail in Scotland to the extent prevailing in England; but, as we have seen, the Government had ample powers of influencing the electorate in its own interests. If the Privy Council were unanimous, it could bring such pressure to bear on the royal burghs that their representatives would for the most part be men who would do its bidding. In the case of the representatives of the shires, the sheriffs of the counties were efficient electioneering agents who were supplied with cogent means, in the shape of bribes or intimidation, of influencing the constituencies[1]. There had been occasions in the past, however—and such a case was the present—when a vehement national feeling could counterbalance coercion and intrigue. At the moment when the elections took place, there arose a grave alarm that the national Church as re-established at the Revolution was in danger. Nor was the alarm without foundation. In the preceding year the Bill against Occasional Conformity, which would have deprived the dissenters of civic status, had been introduced into the English Parliament; and, though it was defeated by the Lords, its acceptance by the Commons showed what was the current of English public opinion. "Presbytery is to be ruined[2]," wrote the Earl of Mar from London at the end of January, 1703; and it was from this conviction that the Presbyterian party made a strenuous effort to return such a majority as would ensure the safety of the Church. Their zeal had its reward; when the elections closed they found themselves represented by a majority which on all questions touching Presbytery could command the vote of the House.

[1] A common form of bribery was the bestowing of Collectorships of the Customs.—Fletcher of Saltoun, *Works*, p. 255.

[2] *Papers of the Earl of Mar and Kellie*, Hist. MSS. Com., January 29, 1703.

Before the elections began, important changes had been effected in the list of officials entrusted with the administration of the government. Queensberry was retained as Royal Commissioner, but the principal of his late colleagues were displaced by men adverse to the Presbyterian interest. The Earl of Marchmont, a zealous Presbyterian, was succeeded in the Chancellorship by James, first Earl of Seafield, who as Solicitor-General and Secretary of State had faithfully served the government of William. In the opinion of contemporaries Seafield equally shared with Queensberry the opprobrium or credit of the future legislative Union. According to common testimony, Queensberry could not have had a more efficient ally[1]. Of striking personal beauty and persuasive speech, he combined the training of a lawyer with accomplishments that made him one of the fine gentlemen of the period. In his smiling grace, however, his enemies saw something mysterious and sinister, which yet did not prevent their admitting that, though a political apostate, he was a "just judge[2]." There were others in the group of new officials who were to play notable parts in the impending controversies, but their characters and actions will appear as we proceed.

1703

The Parliament met on May 6 in the full consciousness that the national destinies were in its hands. In its first session it proved itself the most aggressively patriotic of all Scottish Parliaments, yet by strange irony it was to be the instrument of effacing Scotland as an independent nation. Hard as had been Queensberry's task in

[1] Seafield, however, opposed Queensberry during the first session of the new Parliament.—Lockhart, I. 77.

[2] The English traveller already quoted thus describes his impression of Seafield. "The Earl of Seafield, who is Lord Chancellor, is a very ingenious man. His chief perfection, and what is most requisite for his office in the House, is resuming debates, which he does with an admirable dexterity, by giving so happy a turn for the interest of the party he espouses, that he generally carries the point, without the censure of either party."—*A Journey to Edenborough*, p. 113.

managing the Parliament of the previous year, it was light compared with the difficulties he had now to face. In the last Parliament there had been only two parties—the one following Hamilton, the other at the bidding of Queensberry himself; but there now appeared a third party, which to the day when the Union was effected was to be a thorn in the side of the Government. As things now stood, the House was divided between the supporters of the Government, known as the Court party; the Country party, who posed as the champions of Scottish interests, and had Hamilton as their uncertain leader; and the new party variously styled Jacobites, Cavaliers, and Episcopals, generally opposed to the principles of the Revolution and the national Church as now established. The conflicting aims and interests of these three parties created a situation sufficiently embarrassing; and the embarrassment was aggravated by the peculiar relations between the Country party and the Jacobites. Fundamentally antagonistic as these two parties were, there was one common feeling which united them—a common fear and detestation of England. For the Jacobites the ascendency of England in Scottish affairs meant the continuance of the Revolution *régime* and the perpetual exclusion of the House of Stewart; for the Country party it implied a menace to Presbytery and the national independence. Actuated by this common fear, therefore, though impelled by such different motives, Jacobite and Whig had no hesitation in presenting a united front against every proposal that implied a concession to England. So hopeless was the imbroglio created by these tangled interests that the formation of committees was found to be impracticable, and all business had to be transacted in full Parliament[1]—an arrangement which gave free rein to the passions of the hour.

It was not with the support of the Jacobites, but in their own strength, that the Whig party carried an "Act for securing

[1] Letter of Viscount Stair to Godolphin, *Stair Annals* (Blackwood, 1875), II. 203 et seq.

the true Protestant religion and Presbyterian government[1]" in the face of many jeers at the arrogation implied in its terms. In the case of two other Acts, however, the Jacobites and Whigs co-operated with a zeal which throws a strange light on the political conditions of the time. By England's war with France her trade with that country had been interrupted, but this was no reason why Scotland should be a sufferer for her sake. It was in defiance as well as defence, therefore, that the two strangely assorted parties triumphantly carried an Act allowing the importation of all foreign wines and liquors—those of France being mainly intended[2]. Still more defiant was the challenge implied in an "Act anent Peace and War." Since the Union of the Crowns the successive sovereigns had never consulted the Scottish Estates in their declarations of war, yet they had exacted from Scotland her proportional quota of money and men. In view of the great war in which England was now engaged this was assuredly a grievance which the least sensitive of patriots might resent. It was with justifiable patriotism, therefore, that an Act was carried ordaining that no successor of the reigning sovereign should declare a war involving Scotland without consulting her representatives[3].

Among the throng of party leaders who were confounding the councils of the nation there was one heroic figure who has retained an abiding place in the memories of his countrymen —Andrew Fletcher of Saltoun. Fletcher was an idealist and a doctrinaire, unique among the men that surrounded him. At a period when civic virtue seemed a chimaera, he had a reputation for singleness of purpose to which his bitterest opponents paid ungrudging homage. In religion his ideal was a church without dogma; in politics, a republic, in which a nation

[1] *Acts of Parl. of Scotland*, XI. 104.

[2] *Ib.* p. 112. The reason why the Jacobites supported this Bill was that it kept open the communication with France—the home of their hopes.

[3] *Ib.* p. 107.

should have its destinies in its own hands. Ideals more incongruous with the spirit of the time it would be hard to conceive; and in the eyes of all parties Fletcher was a visionary who yet extorted esteem because his words were a voice of the human conscience. As the nearest approach to a republic, he desired a monarchy restricted by a constitution which should make the prince the guardian and not the author of the law. It was in the history of Scotland since the Union of the Crowns that he found practical reasons for his hardy proposal. Since that date Scotland had been a dependency of England controlled by English statesmen doing the bidding of an English King. For such a state of things there was but one remedy: the prerogative of the Crown must be subordinated to the will of the people.

The new Parliament was disposed to go a considerable length in defiance of English ascendency; but Fletcher's proposals, as embodied in twelve "limitations," were not only impracticable as things went, but ran counter to the political doctrine of Whig and Tory alike. The patriots of all parties had, in truth, another scheme in their minds, the execution of which was to be the main achievement of the session. In passing the Act of Settlement of 1701, which devolved the Crown on the Electress Sophia and her descendants, the English Parliament had taken no heed of Scotland, though she had an equal stake at issue. The neglect was not meant as a studied insult, but was merely another example of England's traditional policy with regard to Scotland. But this very indifference only aggravated the offence in the eyes of the Scottish patriots; and they resolved to convince England that their country was not the harmless dependency she imagined. As a counter-declaration to the Act of Settlement, Whigs and Tories combined in passing an Act which was virtually a declaration of national independence. By the terms of this Act—the famous "Act of Security"—the Estates, twenty days after the death of the reigning sovereign

1703

without issue, were to name a successor who should be at once a Protestant and a descendant of the House of Stewart. Whoever this successor might be, he or she must not be the person designated by the Parliament of England unless under conditions that secured to Scotland complete freedom of government, of religion, and of trade[1]. Another clause in the Act proved that it was meant as no idle threat: heritors and burghs were required to provide all able-bodied men with arms and to hold a monthly levy for exercise and discipline[2].

Before the combined phalanx that clamoured for the passing of this uncompromising measure, Queensberry and his supporters were helpless. According to his instructions, he was above all things to secure the legalising of the last session of the late Parliament, the settlement of the succession in accordance with the arrangement made in England, and a grant of supply. The first of these objects he had no difficulty in effecting, as the Whigs were as deeply concerned in it as himself. It was very different with the question of the succession. When the Earl of Marchmont ventured to introduce a Bill in favour of the Electress Sophia, at the mention of the name the shout arose, "Call the mover to the Bar!" "Send him to the Castle!" By all the arts and influence in his power Queensberry sought to turn the House from its purpose. Till the Act of Security was passed, it was inexorably insisted that there would be no supply. But, even if Queensberry himself had been willing to give way, the ministers in London could not consent to an Act which would have stultified their own policy and endangered their place. At the close of the session the Commissioner announced that he was empowered to give the royal sanction to all the Acts passed by the House except the Act of Security. Neither party had reason to be satisfied with the result of the long controversy, for, if the patriots lost their measure, the Commissioner had to go without supply. As it happened, the next few years were to exhibit the Act of

[1] *Acts of Parl. of Scotland*, XI. 69. [2] *Ib.* p. 74.

Security as a shining example of the futility of human counsels. Intended by its authors as a declaration of the independence of the Scottish Parliament, it was to be one of the principal causes of its extinction. As the indubitable expression of the mind of the Scottish nation, it for the first time brought home to the English statesmen the momentous fact that the existing relations between the two countries could no longer be maintained without danger to the wellbeing of both.

An incident that followed the close of the session aggravated all the animosities which had been provoked. Before the Parliament had met, a general Act 1703 of Indemnity had been granted for past political offences, with the result that numbers of Jacobites had returned from their exile on the Continent. Everybody knew that the House of Stewart had many passionate supporters throughout the country; and the proceedings in connection with the Act of Security had naturally quickened the alarm of Queensberry. In an unhappy moment for himself he lent his ear to a story which is another of the many mysteries of Scottish history. Simon Fraser of Beaufort, afterwards the notorious Lord Lovat, in a secret interview communicated to him a plot[1] in which the Duke of Atholl[2] was to be the principal agent, and the object of which was to effect a rising in the Highlands in favour of the exiled House. Fraser's antecedents and his previous relations with Atholl should have warned Queensberry against accepting his affirmations; but Atholl had made himself specially troublesome in connection with the Act of Security, and Queensberry was prepared to believe the worst of him. Queensberry communicated Fraser's information to the sovereign; and in due course the English House of Lords, mainly composed of Whigs and eager to discredit the Tories, appointed a committee to examine the

[1] In England known as the Scots' Plot, and in Scotland as the Queensberry Plot.

[2] He had succeeded his father, the first Marquis of Atholl, in 1703, and been created Duke at the close of the session.

evidence. After a prolonged enquiry the committee arrived at the general and probably correct conclusion that "there had been dangerous plots between some in Scotland, and the Court of France and St Germains, and that the encouragement of this plotting came from the not settling the succession to the crown of Scotland in the house of Hanover[1]."

1704 All the circumstances of the affair tended at once to embitter the strife of parties in Scotland and to widen the breach between the two countries. That the English House of Lords should sit in judgment on a matter in which Scotsmen were the parties at the bar was regarded only as another proof of insolent assumption. The strife between the Court party and the Jacobites had been sufficiently embittered during the late Parliamentary session; but the proceedings of Queensberry in connection with the plot converted party hate into irreconcilable personal rancour. In these circumstances he had become impossible as the head of the Scottish administration; and, when the Estates met in July, 1704, the Marquis of Tweeddale[2] displaced him as Royal Commissioner. Of all the leading politicians Tweeddale was the most generally acceptable to the various factions; according to the Jacobite Lockhart, "he was the least ill-meaning man of his party, either through inclination or capacity[3]." But Tweeddale and the other new officials who had been appointed along with him were not to find their task any easier than their predecessors. One tactical stroke, indeed, was achieved which led to important results in the future: from the ranks of the Country party and the Jacobites Tweeddale succeeded in detaching an important section which under the name of the New Party gave its support to the Government throughout the ensuing session[4]. But this advantage was more than counterbalanced by a coalition which is a significant illustration of the

[1] Burnet, *History of his own Time*, v. 133.
[2] John Hay, first Marquis of Tweeddale.
[3] Lockhart, *op. cit.* i. 97.
[4] *Ib.* p. 98.

motives that influenced Scottish statesmen in this crisis of their country's destinies. By a scandalous compact the friends and supporters of Queensberry agreed to join hands with the Jacobites on the condition that the affair of the Plot should be tenderly dealt with in the interests of those who had exploited it[1].

It was this unhallowed alliance of the Country party and the Jacobites, led by Atholl and Hamilton, that Tweeddale had to face in his task of carrying out his instructions. These instructions were the same as had been laid upon his predecessor—to secure the succession and to obtain supply. In the interests of England the attainment of these objects was more urgently necessary than ever. Jacobitism was becoming more and more menacing in Scotland; and the 3000 royal troops quartered in that country were clamouring for pay. But the majority of the House had but one idea in their minds of what was for their country's good—the royal sanction of the Act of Security. Again the former tactics were followed; supply would be granted on the sole condition that the Act of Security should be authorised. As affairs now stood both at home and abroad, Godolphin, the English Treasurer, was in the most embarrassing of dilemmas. The battle of Blenheim was impending; and the defeat of England and her allies by France would have been a potent encouragement to Jacobitism in Scotland. That there should be an effective force in Scotland, therefore, was necessary for England's security; and it was necessary, moreover, that this force should be supported by Scotland herself, as an army maintained by English money would have been a direct incentive to national rebellion. On the other hand, to sanction the Act of Security was to incur a charge of betraying England's interests which might be used with dangerous effect by Godolphin's political enemies. Whether of set purpose or not, he advised the Queen to consent to the Act which was to be the immediate and direct cause of the union of the two nations. Thereupon the House voted supply.

[1] Lockhart, *op. cit.* I. 98.

Sanctioned by the Crown, the Act of Security might now be regarded as the expression of the national will, and as such it was interpreted by all parties in England. In the words of Defoe the Act "put her [Scotland] into a posture fit to be treated with, either by England or by any other nation[1]." It was, in truth, the menace of the second alternative that first aroused in English statesmen a sense that Scotland could no longer be treated as a dependency. "Scotland," in Defoe's quaint words, "began to be talked up in the world a little." So profoundly convinced were all Englishmen of the menace implied in the Scots Act that the Tory House of Commons and the Whig House of Lords with one accord took up the challenge. In both Houses Bills were carried in terms and spirit as unflinching and defiant as that of the Scots. The Bill of the Commons, which was eventually adopted by both Houses, bore the significant title—"An Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts lately passed in the Parliament of Scotland." By the terms of this Act, unless the Crown of Scotland were settled by Christmas Day of 1705, all Scotsmen would thenceforward be held as aliens, and all importation of Scotch cattle, sheep, coals, and linen be prohibited. More prudent or more calculating than the Scottish patriots, however, the English Parliament offered an olive branch along with the sword. By the same Act the Queen was empowered to appoint Commissioners to negotiate a union between the two countries which meanwhile seemed on the brink of international hostilities[2].

1705

By a perverse coincidence another untoward affair still further estranged the two irritated peoples. A Scottish vessel, the *Annandale*, belonging to the African Company, which still

[1] Defoe, *The History of the Union of Great Britain* (Edin. 1709), Part I. p. 53.

[2] Cf. a Tract entitled, *The Reducing of Scotland by Arms and annexing it to England, etc.* (Lond. 1705), pp. 1 et seq.

lived a precarious existence after the disaster of Darien, was seized in the Thames, at the instance of a rival English Company, on the ground of infringed privileges. The African Company in vain demanded redress; but, by what was deemed a providential intervention, an opportunity of retribution was put in its hands. There appeared in the Forth an English vessel, the *Worcester*, commanded by Captain Thomas Green. At the instance of the Company, which claimed powers of reprisal, the vessel was seized by its secretary and a number of associates, and the captain and officers were brought forcibly on shore. Thus far the Scottish Privy Council had refused to interfere; but some words dropped by certain of the crew having raised the suspicion that the *Worcester* had been engaged in acts of piracy, there appeared to be a case for judicial investigation. Further words of the crew, moreover, suggested a more definite suspicion. A vessel belonging to the African Company, the *Speedy Return*, had long been missing; and the idea took possession of the public mind that Drummond and his crew had been among the victims of the suspected pirate. After a trial before the High Court of Admiralty, begun on March 5, 1705, and lasting over a week, Green and fourteen of his men were found guilty of murder and piracy. The injustice of the whole proceedings has a simple explanation: Scotland was now in one of those public frenzies to which every people is subject, and the frenzy in this case was a wild desire for retaliation against England, which blinded even the coolest of the Scots to the simplest laws of evidence[1]. In England indignation was proportionably great. Twice the Queen interposed in favour of the doomed men; but, terrorised by the mob who clamoured for their blood, the Scottish Privy Council could only yield so far that three victims, the captain and two of his officers, instead of fifteen, suffered the last

[1] Baillie of Jerviswood, writing to Johnstone, the Scottish Secretary, says that "the murder, as well as piracy, is made clear to conviction."—*Jerviswood Correspondence* (Ban. Club, 1842), p. 65.

extremities of the law. It was a gross miscarriage of justice, for, as conclusive evidence afterwards proved, Green and his associates were innocent of the death of Drummond and the plunder of his ship[1].

1705 It was at this period of intensest strain between the two countries that the Scottish Parliament entered on the work of its third and penultimate session (June 28). The events of the preceding year had again necessitated important changes in the administration. Tweeddale had failed as completely as Queensberry to effect the objects of the Crown, and by his subsequent conduct he had given deep offence to the English advisers of the Queen. He and the New Party, of which he was the leader, were believed to be mainly responsible for inciting the proceedings against Captain Green, with the express purpose of making bad blood between the two nations. Tweeddale and his chief associates were therefore set aside, the Duke of Argyle[2] being appointed Commissioner, Queensberry Privy Seal, and Seafield Chancellor —the three men who beyond all others were to be the principal agents in carrying out the Union. In his character and his ambitions Argyle presented a striking contrast to his two colleagues, and they found him on occasion a somewhat inconvenient yoke-fellow. While Seafield and Queensberry were professional politicians and adepts at all the tricks of their trade, Argyle's head, we are told, "ran more upon the camp than the Court[3]." His political methods were those of the soldier rather than those of the courtier; able, impulsive, and outspoken, he was incapable of intrigue and impatient of opposition. That one so young and so inexperienced was chosen to fill so important a post might make one wonder, but there was a cogent reason for the choice[4]. The main body on

[1] It is probable, however, that Green and his crew had been guilty of other acts of piracy.

[2] Archibald, second Duke of Argyle. [3] Lockhart, *op. cit.* I. 110.

[4] The Englishman who visited Edinburgh during his session says: "The Duke of Argyle was thought, as we were told, not only too young

whose support the Government had to depend were the Presbyterians who had hitherto looked to Hamilton as their somewhat uncertain leader. But if anyone could divide the allegiance of the Presbyterians, it was the descendant of the two most illustrious victims of the fallen dynasty. That the advisers of Anne did wisely in honouring the young Duke was to be signally proved in the two all-important sessions that were to close the existence of the Scottish Parliament.

In the new session the various political parties assumed the definitive form which they were to maintain till the Union became an accomplished fact. As was afterwards to appear, the Government could count on a majority, varying in numbers, and acting from conflicting motives, but in the main affording its support to the policy of the Crown. To this majority, composed of the officers of state and all their hangers-on, of the supporters of Presbytery and of the principles of the Revolution, their opponents gave the opprobrious designation of the "Court Party" or simply "The Courtiers." A second political section was that "New Party," created by Tweeddale in the previous session, which now appears under the name by which it is best known—the "Squadrone Volante." The exotic name is an illustration of that interest in Italian literature which has already been noted in educated Scots of the period; and, in spite of its affectation, it happily enough suggests the tactics which the party systematically pursued. Holding itself strictly aloof, it professed to act from purely disinterested motives, and in accordance with this detached attitude now voted with the Ministry and now against it. Fortunately for the success of the Government measures, the chiefs of the Squadrone—Tweeddale, the Earls of Rothes

for so high a station, but too warm to bear the reflections of the leading mal-contents, but on the contrary he behaved himself in this critical juncture with so sedate and even a temper that he justly gained an universal reputation and brought the session to a happy conclusion."—*A Journey to Edenborough*, pp. 113—4.

and Roxburgh, Baillie of Jerviswood, and Secretary Johnston, all of whom were ejected officials—were more or less favourable to union, and by their support eventually assured its consummation. Finally there was the party opposed to union in every shape, because it would involve the doom of all their hopes—the party known to their opponents as the Jacobites, but who labelled themselves with the innocent euphemism—the "Cavaliers." Though the House was thus divided by these clearly-defined parties one thing became clear as the work of the session proceeded: the preponderant opinion was in favour of union in one shape or other[1].

Let us look at the scene without and within the Parliament House, as it is described by an Englishman who visited Edinburgh during the session about to commence[2]. "He saw him (the Commissioner) go to the Parliament House in this manner," this observer writes. "First a coach and six horses for his gentlemen, then a Trumpet, then his own coach with six white horses, which were very fine, being those presented by King William to the Duke of Queensberry, and by him sold to the Duke of Argyle, as we were informed, for £300. Next goes a troop of Horse Guards, clothed like my Lord of Oxford's regiment, but the horses are of several colours; and the Lord Chancellor, and the Lord Chief Justice Clerk and other Officers of State close the cavalcade in coaches and six horses. Thus the Commissioner goes and returns every day, and also goes in the same manner to Church." Diverging from the High Street, the picturesque procession entered the Parliament Close, "the pride of Edinburgh," with the church of St Giles in front, and adorned with the equestrian statue of Charles II as at the present day. The Parliament House itself, erected in the reign of Charles I, was not unworthy to be the meeting-

[1] This is the testimony of the Jacobite Lockhart. It was plain, he says, "that there was too great an inclination in the House to have a Treaty and accept of an Union."—*Memoirs*, I. 135.

[2] *A Journey to Edenborough*, pp. 111—2.

place of the representative body of a nation. On the south side of the Hall was the Commissioner's throne, where he sat in silence through the prolonged debates, with the silken purse containing his commission lying on the cushion before him. Beneath him sat the Lord Chancellor, the president of the House; on his right, the Lord Treasurer, and on his left, the Secretary of State. At one end of the long table that occupied the body of the Hall and on which were disposed the Crown, Sceptre and Sword, was the Lord Justice-Clerk; at the other, the Earl Marischal. To the right and left of the Commissioner the benches rose in tiers, on which the members were arranged in accordance with their rank. On the uppermost seats to the right were the Dukes, Marquises and Earls, and under them the representatives of the shires; and on those to the left, the viscounts and barons, and beneath them the representatives of the burghs. At the opposite end of the Hall, facing the throne, but outside the area, was the pulpit from which sermons were occasionally delivered during the course of the session; and behind the pulpit was a partition, beyond which strangers were not permitted to enter while the House was sitting[1]. At the opening of each day's business prayers were first said; then the rolls were called, and the Chancellor announced the question demanding the attention of the House. Members might only speak once to the matter in hand, and only when they were expressly called upon by the Chancellor. When a vote was taken each member was individually asked whether he approved or disapproved of the motion before the House. Such were the regulations for the conduct of business, but in the excited debates of the last Scottish Parliament they were constantly set at naught by the more impetuous members of all parties; and in the long evening sederunts, when the Hall was dimly lit by the sporadic candles, there were

[1] *Early Travellers in Scotland* (Edin. 1891), pp. 280—1. Before entering the House, strangers were presented with batons to indicate that they were not members.

frequent scenes of uproar and violence in which all restraint and decorum were thrown to the winds.

The express charge laid upon the new Commissioner was, in fact, to persuade the Scottish Estates to follow the example of England and petition the Queen for the appointment of Commissioners to negotiate a union. As the result was to prove, the majority of the members favoured this step; but there were other clamorous interests which evoked the keenest feeling and long baffled the Ministry in its principal object. The backward condition of trade gave rise to a succession of measures regulating the export of wool and the importation of various commodities and culminating in the appointment of a Council of Trade[1]. But it was an alternative proposal of Fletcher that most seriously endangered the object of the Ministry. In Fletcher's opinion no form of union that could be devised would secure what was Scotland's chief concern, namely her independence. Again, therefore, he produced a scheme of "limitations" by which succeeding rulers should be bound to accept the will of the people as expressed by its representatives. Fletcher's proposal gave rise to prolonged and obstreperous debate, but the sense of the House gradually declared itself in favour of the Government measure. By a trick of destiny the measure was introduced by the Earl of Mar, who was subsequently to repent his action, sword in hand. Under the significant title, "Act for a Treaty with England," it answered to the full all the desires of Anne's advisers. What they had especially desired was that the Scots Parliament should imitate that of England and empower the Queen to nominate the Scottish Commissioners. To the disgust of the Jacobites, with whom he had all along coquetted, Hamilton gave his vote for this arrangement, in the hope, it was alleged, that he would be one of the treaters himself[2]. As determining conditions under which the Commissioners were to act, it was ordained that Church discipline and

[1] See above, p. 61.

[2] Lockhart, *op. cit.* I. 136.

government should not come within their cognisance, and that there should be three reports of their proceedings, one for the Queen and one for each of the Parliaments, to whose final decision all their conclusions should be submitted. One great obstacle to the acceptance of the measure had been the Alien Act passed the previous year by the Parliament of England. In view of that Act, it was maintained, was it not a national humiliation for Scotland even to make a show of seeking union with a nation that had thus insulted her? If Scotland were to make overtures of union, therefore, they must be conditional on England's rescinding the insulting Act. Fortunately more moderate counsels prevailed, and the House contented itself with an address to the Queen, praying that the objectionable Act should be repealed as a necessary condition for the successful issue of the future negotiations.

"From this day," writes the Jacobite Lockhart, "may we date the commencement of Scotland's ruin[1]"—words which in his language meant that union was now inevitable. But this was an opinion based on later events, and was so far from being general at the time when the Act for Union was passed that Lockhart was equally near the truth when he says that there was not a man in Britain who expected that the Act would ever take effect[2]. Never, indeed, had the feeling between the two nations been more bitter than at the close of the year 1705, when the negotiations for union were about to begin. In more unfavourable circumstances, it might well seem, a great policy had never been launched. Yet in the consciousness of both nations there lay behind their fiercest recriminations the uneasy conviction that union meant self-preservation, and that the hour had come when the great issue must be determined. Through all the questionable motives and actions of the men who were mainly instrumental in accomplishing the great object we can discern a profound faith that they were working in harmony with the dominant forces of the time.

[1] Lockhart, *op. cit.* I. 133. [2] *Ib.* I. 140.

II. Proceedings of the Commissioners of Union, 1706.

It was an auspicious circumstance for the coming negotiations that a Whig majority was sent up to the English Parliament which met in October, 1705. The Treaty of Union was specifically a measure of the Whigs; and, as they now had a secure majority in both Houses, it became their prime concern to bring it to a satisfactory conclusion. As a decisive pledge that England at least was sincerely desirous of union, the Alien Act was repealed—Lord Somers, who had been mainly responsible for it, taking a principal part in its repeal.

1706 As authorised by the Parliaments of both countries, the two Commissions were duly nominated by the Queen—that for Scotland on February 27, and that for England on April 10, 1706. Each Commission consisted of thirty-one members, but for excellent reasons they were somewhat differently composed. On the part of England there could be little difficulty in securing a body of men of high rank and office who would engage in their task with a sincere desire for its accomplishment. The English Commission, therefore, consisted mainly of persons whose name and authority would impress English public opinion. There were the two archbishops[1]; Godolphin, Lord High Treasurer; Cowper, Lord Keeper; the Earl of Pembroke, Lord President of the Council; the Duke of Newcastle, Lord Privy Seal; and various officers of the Royal Household and dignitaries of the law—the most notable member of all being Lord Somers, who, though he held no office, was the moving and guiding spirit throughout the whole proceedings. In the case of the Scottish Commission the choice was a more delicate business. To secure thirty-one Scots of sufficient standing who would be likely to work in harmony towards a common result

[1] The Archbishop of York, a zealous High Churchman, did not sympathise with his fellow-Commissioners, and abstained (like Lockhart) from signing the Treaty.

was a task that required considerable circumspection. As the person most likely to guide him aright in his choice, Godolphin took counsel from Argyle, the late Commissioner, and Queensberry, who had previously held the same office. The result was a Commission so curiously composed that it gave rise to a suspicion of the good faith of the English Ministry. With the exception of Argyle, who declined the commission, the chiefs of the Scottish Government were chosen; but of the other Commissioners a few were known as steady opponents of the Revolution and its principles[1]. Besides Argyle another notable personage was left out—the Duke of Hamilton, whose antecedents and character sufficiently explain his being passed over; while, on the other hand, the Jacobite Lockhart, to the disgust of many of his party, accepted nomination, salving his political conscience by the consideration that he might do good service in the enemy's camp[2]. Whatever may have been the

[1] Burnet, v. 273. It was at the suggestion of Stair and Marchmont that certain Commissioners were expressly chosen because they were opposed to the Union.—*Stair Annals*, I. 215; *Marchmont Papers*, III. 293. "I am very positive," writes Marchmont to Argyle, "that to mix some of those of greatest interest who are not reckoned favourable to an entire union will be better than to leave them out; for, besides that it will take off the pretence of having been neglected and slighted in an affair of so great importance, there will be a fairer probability of persuading and convincing in a treaty, wherein themselves have had a hand, than in a Parliament when a matter comes prepared before it."

[2] The Scottish Commissioners were:—The Duke of Queensberry, the Earls of Seafield, Mar, Loudon, Sutherland, Wemyss, Morton, Leven, Stair, Rosebery, and Glasgow, Lord Archibald Campbell, Viscount Duplin, Lord Ross, Sir Hugh Dalrymple, Adam Cockburn of Ormiston, Sir Robert Dundas of Arniston, Robert Steuart of Tillicoulty, Francis Montgomery, Sir David Dalrymple, Sir Alexander Ogilvie of Forglen, Sir Patrick Johnstone (Lord Provost of Edinburgh), Sir James Smollett of Bonhill, George Lockhart of Carnwath, William Morrison of Prestongrange, Alexander Grant, jr. of that Ilk, William Seton, jr. of Pitmedden, John Clerk, jr. of Penicuik, Hugh Montgomery, formerly Provost of Glasgow, Daniel Stewart, brother-german of the Laird of Castlemilk, and Daniel Campbell of Ardentinny.

suspicions regarding the composition of the Scottish Commission, the result of the common deliberations amply justified the discernment of those who were responsible for it.

The two Commissions met on the 16th of April, 1706, in the Council Chamber of the Cockpit at Whitehall. Throughout their whole proceedings it was evident that they went to work with a seriousness of purpose which had been absent from the Commissions of 1702. Some preliminary Articles determined the manner in which business was to be conducted: all proposals coming from either Commission and every conclusion adopted were to be reduced to writing; no finding was to be held obligatory till all the Articles assumed their final form; a committee from each Commission was to revise the minutes, subject to the approval of both Commissions; and, finally, all the proceedings were to be kept secret during the time of the negotiations[1]. An unwritten rule, the prudence of which we can understand, is another illustration of the serious spirit in which the two Commissions regarded their task: throughout the whole of their proceedings there was no interchange of hospitalities between their respective members[2].

At the instance of Cowper, the Lord Keeper, the assembly addressed itself at once to the paramount object of the Treaty. On the behalf of the English Commissioners Cowper submitted the following proposals: that the two kingdoms should be united under the name of Great Britain; that the United Kingdom should be represented by one Parliament; and that the succession to the Crown should devolve on the House of Hanover in accordance with the English Act of Settlement. It must have been known to the Scottish Commissioners that on these conditions alone would England consent to a Treaty; but, now that the die had to be cast, they realised all the difficulties of their posi-

[1] *Acts of Parl. of Scotland*, XI. Appendix, 165.

[2] *Mar and Kellie Papers*, Aug. 3, 1706.—"None of the English during the Treaty had one of the Scots so much as to dine or drink a glass of wine with them."

tion. The great majority of their countrymen, they knew, were opposed to incorporation, and desired a merely federal union which would have preserved to Scotland its independent Parliament. Moreover, it was the conviction of many, perhaps the majority, of the Scottish Commissioners themselves that in the meantime it would be more prudent to aim at a federal union which would at least be the means of ensuring the succession[1]. It was from this conviction that the Scottish Commissioners made a counter-proposal which favoured a federal rather than an incorporating union. The answer was peremptory; the discussion of the counter-proposal was simply declined. The Scots were thus face to face with two alternatives—to wreck the negotiations or accept the English offer. With full knowledge of the national odium they would incur, the Scots withdrew their proposal and agreed to "an entire union of the two Kingdoms[2]."

The foundation of the Treaty having thus been laid, it remained to settle the mutual conditions on which the Union should be based. As the most important of these conditions the question of trade came first under consideration. It was of good augury that both Commissions were of one mind regarding a point on which, so far as Scotland was concerned, the main benefit of union must depend. In agreeing to accept incorporation, the Scottish Commission made it an indispensable condition that freedom of trade, both at home and abroad, should accrue to all subjects of the United Kingdom; and the prompt response was that the demand "was a necessary consequence for an entire Union[3]."

The question of taxation and the regulation of trade did not admit of such an easy solution. The disparate wealth, the conflicting interests, the divergent economies of the two

[1] This was the opinion of the two most sagacious Scotsmen of the time—Principal Carstares and the Earl of Stair.—*Mar and Kellie Papers*, March 2, 1706; *Stair Annals*, I. 211.

[2] *Acts of Parl. of Scotland*, XI. Appendix, 165–6. [3] *Ib.* p. 166.

countries, raised problems which at best could be settled only in a tentative fashion. The first sweeping proposal of the English Commissioners was that taxes and trade regulations should be uniform in both countries. To this proposal, unjust on the face of it, the Scots replied by suggesting the appointment of two Committees, one from each side, which should report the respective revenues and debts of the two countries, as indispensable to a satisfactory settlement. This reasonable proposal commended itself to the English; and Committees of eleven were appointed from either Commission. When the respective reports were presented, the difficulties of negotiation became fully apparent. The revenue of England was estimated at £5,691,803, that of Scotland at £160,000, while against an English national debt of £17,763,842 Scotland reckoned hers only at £160,000. To effect an equitable arrangement in the face of these disparities had seemed to many an impossible task; and those who favoured a federal union confidently anticipated that here was the rock on which the Treaty must be wrecked. It seemed, however, as if both Commissions were inspired by the very difficulty of their task. With consummate ability and in the friendliest spirit of concession they faced each problem as it arose. A great stride was taken when the Scots gave a general acquiescence to the original proposal for uniformity of taxation and trade regulations. With this agreement, however, they made two demands which gave rise to prolonged negotiations: in the case of certain commodities Scotland should be exempted from taxation; and neither nation should be burdened with the debts of the other. In the case of salt, a more lucrative industry in Scotland than in England, an important concession was made in favour of the former country; for seven years after the Union was accomplished, salt made in Scotland was to be free of duty, though on the condition that throughout the same period it should in no shape be exported across the border into England. Similarly Scotland was to be exempted from the existing

English duties on stamped paper, vellum and parchment, on windows and lights, and on coal culm and cinders consumed at home. But it was in the case of the land tax that Scotland received the most generous treatment. Great as was the inequality of the value of land in the two countries, when the English Commissioners agreed that the land tax in Scotland should be less than a fortieth of that contributed by England, they were certainly straining a point in favour of the poorer country. Finally, in the case of malt, it was concluded that Scotland should be exempt from duty till the 24th of June, 1707—an arrangement which was to be a bitter source of misunderstanding between the two nations.

The other demand made by the Scots, besides exemption from certain taxes, was for such a sum of money as would recoup their country for becoming a partner in England's debts and for the various losses she had sustained at the hands of English trading companies. From the first the English Commissioners had acknowledged the reasonableness of this demand; and there were, moreover, diplomatic reasons why they should accede to it. If the Scottish Commissioners could go home with the bait of a substantial sum to dangle before their countrymen, it would be a potent inducement towards a favourable consideration of the Treaty when it was eventually submitted to the judgment of the Estates. Under the name of the "Equivalent"—a term of reprobation among all the opponents of the Union—the precise sum of £398,085. 10*s.* was at length, after much deliberation, accepted by both sides as an equitable compensation for Scotland's past losses and future obligations. Of this sum part was to go to the payment of the national debts of Scotland and part to meet the claims of the African Company, on condition that it should close its books; while any surplus was to be spent in promoting the fishing and other industries, and in indemnifying individuals for such losses as they might sustain by the change of the national coinage.

Of all the matters that had to be handled by the Commissions the question of representation in the United Parliament was that which most sorely tried their mutual forbearance. On the one hand, the sensitive patriotism of the Scots led them to make demands which could not be justified by measure and line; while, on their side, the English insisted on regarding the question as a purely business transaction. In the case of the Parliamentary union effected by Cromwell, thirty members had been deemed an adequate representation for Scotland—a number which was reduced to twenty-one under the Protectorate of his son Richard. The arrangement proposed by the English Commissioners was rather more generous: a representation of thirty-eight, they maintained, would be an ample recognition of Scotland, seeing she was to contribute only a fortieth of the national taxation. But this was a point of view which did not commend itself to the Scots; what they saw was that Scotland was giving up her national assembly, and that a contingent of thirty-eight would be impotent in the United Parliament. As a concession to their insistence, the English Commissioners at length agreed to raise the number to forty-five—an offer which the Scots were given to understand would be rejected at the risk of the whole Treaty. Even more unsatisfactory to the Scots, and especially to the nobles of their number, was the ultimatum of the English with regard to representation in the House of Lords. Sixteen in all—this was the sum total that was adjudged to be a fair representation of the nobility of Scotland in the prospective British House of Peers. To the fortunate few, however, there were to accrue certain privileges which might reconcile them to the deprivation of their fellows. Once elected, they as Peers of Great Britain would have exemption from all civil processes and the privilege of being tried by their own order.

The questions of taxation and representation had raised the chief difficulties in the course of the negotiation; in the case

of arrangements requisite to complete the Union there was little friction between the contracting parties. It was harmoniously agreed that in the United Kingdom there should be a uniform coinage, a uniform standard of weights and measures, and a common Great Seal. On the other hand, Scotland was to retain her various Courts of Law, with the addition of a Court of Exchequer which was to deal exclusively with fiscal questions. The rights and privileges of the Scottish royal burghs were to remain untouched, as likewise the feudal jurisdictions of the barons—concessions which were imperative if the Treaty were to receive the sanction of the Scottish Estates[1]. Finally, as sign and symbol of the completed Union, the arms of the two nations were to be conjoined, as her Majesty saw fit, on "all flags, banners, standards, and ensigns both at sea and land[2]."

Such were the results of the joint labours of the two Commissions as embodied in twenty-five Articles, drawn up by a special Committee of four from each side. The first meeting had taken place on the 16th of April and the last on the 23rd of July, so that in the space of nine weeks the Commissioners had accomplished a task, which in the opinion of the majority of both nations had seemed a "chimera of the English ministry." The conclusion of the Treaty was signalised by formalities befitting the importance of the occasion. Summoned to assemble in the Council Chamber at St James's, the Commissioners, two and two, an Englishman on the right and a Scotsman on the left[3], proceeded to the presence of the Queen,

[1] It was the vote of the nobility that carried the Union in the Scottish Parliament.

[2] The clearest and most succinct account of the negotiations of the Commissioners will be found in Vol. XI. of the *Acts of Parl. of Scotland*, Appendix, pp. 163—200. The Articles of Union are given in pp. 201—5. A fuller account of the negotiations is given by Defoe (Part II of his book on the Union).

[3] In the presence of the Queen, however, Mar complacently notes, the Scots stood on her right.

surrounded by her Court and all the foreign ambassadors. Presenting copies of the Articles, the Lord Keeper of England and the Lord Chancellor of Scotland in turn addressed her Majesty who graciously congratulated them on the success of their labours[1].

III. Passing of the Treaty of Union, 1706—1707.

1706

It might be regarded either as a gracious or a politic act that the English Ministers conceded to the Parliament of Scotland the first opportunity of sitting in judgment on the Treaty of Union. The precedence was doubtless flattering to Scottish national pride; but, on the other hand, it gave the English Parliament the advantage of revising the conclusions of the rival House. As it was understood that the Estates were to assemble in the autumn of 1706, there was anxious speculation among all parties as to the probable fate of the momentous measure. As had been originally stipulated, the Articles of the Treaty were to be kept carefully secret till the opening of Parliament—a circumstance which raised dark suspicions among all those to whom union was detestable in any shape. Still, it was with feelings of suspense rather than of violent emotion that the country awaited the great issue in which its political destiny was to be in the balance. Even the shrewdest and most interested observers were puzzled to decide what was likely to be the fate of the Treaty in an assembly so full of cross currents as the Parliament of Scotland. To Godolphin, when asking information on this very point, Mar, the Scottish Secretary, could only say, "until the Parliament once meet and so the members be all come here, it is hard to make such a conjecture that your Lordship can rely on[2]." On one point, however, Mar and his colleagues were assured, and the assurance was in the highest degree disquieting; the majority

[1] *Mar and Kellie Papers*, July 25, 1706.
[2] *Ib.* Sept. 16, 1706.

of the clergy of all denominations were bitterly opposed to an incorporating union such as had been concluded in the Treaty. The Episcopalians opposed it because it would for ever close the door against the House of Stewart; the Cameronians regarded it as an impious paction which would give the Covenants to the winds; and the clergy of the Established Church dreaded it as inevitably involving the destruction of the Presbyterian settlement. It was this last body, which for sufficient reasons had steadfastly supported the Government since the Revolution, whose opposition the Ministry had the greatest cause to dread. Its clergy were for the most part "young men of little experience and warm zeal[1]," who, as was afterwards to be seen, did not hesitate to incite their parishioners to open rebellion when the passing of the Treaty seemed imminent. Fortunately the National Church was directed by more moderate heads than these youthful divines, and under the guidance of the veteran ecclesiastic Carstares[2] was induced to accept an arrangement which gave it a stability and prestige which it had never known since Protestantism had become the religion of the Scottish people.

The last Scottish Parliament met for its last session on the 3rd of October, 1706. There had been important changes in the Ministry since the previous year. As the man most likely to carry the Treaty to a successful issue, Queensberry was reappointed to his former post of Royal Commissioner; and throughout an ordeal which was to demand the steadiest nerve not less than the rarest judgment and resolution, he was to extort the admiration of his bitterest opponents. The new Secretary of State was the Earl of Mar, who proved himself indefatigable in furthering the Union which he was afterwards to do his best to destroy. As indispensable to the business in

[1] So the Earl of Marchmont describes them.—*Marchmont Papers*, III. 305.

[2] On Carstares' services to the Union see Dr Story's *Life of Carstares*, pp. 290 et seq.

hand, Seafield, who now saw eye to eye with Queensberry, retained the office of Chancellor.

The same parties that had appeared in previous sessions again divided the House; but, as was soon to appear, their relations to each other had somewhat changed. The Jacobites were there, more irreconcilable than ever to a Union which would be a death-blow to all their hopes; but their opposition was paralysed by the rivalries of their chiefs, Hamilton and Atholl[1]. Associated with the Jacobites was the Country Party led by Fletcher and Lord Belhaven, who opposed the Union from no dynastic considerations but from the conviction that it involved the betrayal and ruin of their country[2]. A third party was that large body of Whigs who had all along given their steady support to the Government, and who regarded the Union as the natural issue of the Revolution. Lastly, there was that capricious section, the Squadrone Volante, on which, as Unionist and anti-Unionist equally perceived, the fate of the Treaty might eventually depend, since, with its following of twenty-four members, it must hold the balance on the occasion of every critical vote. But, dubious as had been its action in the previous sessions, its leaders from the first had been in favour of union, and the Government had good hope that it might reckon on their support. In the collective voting of the Estates a fact of special historic interest was to emerge: while the representatives of the shires and burghs were in general nearly equally divided, a clear majority of the nobles went steadily for the Union. To the nobles of Scotland, therefore, and not to the merchants and gentry, is to be assigned the preponderating influence in linking the destinies of the two kingdoms.

Besides the chief official leaders, Queensberry, Mar, and

[1] Lockhart, *op. cit.* I. 160.

[2] In the case of certain Articles in the Treaty (such as the question of the Succession) the Jacobites and the Country Party could not, of course, act in concert.

Seafield, there were other prominent personages whose ability or influence materially contributed to the passing of the Treaty. According to the Secretary Mar, the man above all others to whom the Union was due was the Duke of Argyle, the Royal Commissioner of the previous year. In popular opinion, however, this pre-eminence belonged to a very different person—Sir John Dalrymple, now Earl of Stair, for many of his countrymen the "Curse of Scotland" and for Defoe "the man of greatest counsel in the Kingdom." Learned in law, of consummate ability and iron will, "there was none in the Parliament capable to take up the cudgels with him[1]." Less distinguished than these was Seton of Pitmedden in Aberdeenshire, whose weighty speeches at once raised the tone of debate and supplied the most cogent arguments in support of the Treaty. To the chiefs of the Squadrone, also—the Marquis of Tweeddale, the Earls of Rothes, Haddington and Roxburgh—must be assigned a conspicuous place among the men by whose votes and whose influence the Union was carried. Among the champions of union outside Parliament the first place belongs to the indefatigable Daniel Defoe, expressly commissioned to take up his residence in Edinburgh, and aid the Government by his pen and his counsel. The most dexterous and prolific of pamphleteers, he was an indispensable ally in the war of broadsides which presently deluged the country. Of the anti-Unionists the most prominent was still the Duke of Hamilton, though his wayward or timorous character was to be conspicuously shown in the impending contest, and in the final issue he was to succumb to his fears or his doubts. More uncompromising and resolute to the end was his rival the Duke of Atholl, who of all their opponents proved the most embarrassing to the Government. The most consistent and resourceful of the Jacobites, however, was Lockhart, the author of the *Memoirs*, for whom every weapon was

[1] Lockhart, *op. cit.* I. 89.

permissible against the Union and the succession of the House of Hanover. For eloquence and passionate adjuration the palm belonged to Fletcher and Lord Belhaven, from whose speeches we can still realise all the burning passions of the hour. Whether in short we look to the one side or the other in the great controversy, we cannot but be struck by the fact that there has seldom met in any national crisis a body of men more capable by talent, by accomplishment, by experience, of grasping the whole issues of the momentous question they had to determine.

The month of October was spent in preliminaries to the great contest that was to decide the fate of the Treaty. By a majority of the House it was resolved that the Articles should first be read and discussed in succession, but without putting them to the vote. From the first the Government was made to realise the arduousness of its task. The present Parliament, it was vehemently urged, was incompetent to sanction the Treaty, as it had received no mandate for that purpose, while by somewhat contradictory reasoning it was further maintained that no Parliament had the power of altering the "fundamentals" of the national constitution. To postpone the evil day was the deliberate aim of the Opposition; and, these general objections being over-ruled, an old device was adopted at once to provoke delay and to compromise the Treaty in the eyes of the nation. As Parliament was about to engage in deliberations involving the welfare of the country, it would be fitting that they should be preceded by a national fast and humiliation. It was the hope of the Opposition that the Commission of the General Assembly, a permanent body appointed to look after the interests of the Church, would petition the Parliament to sanction a fast; if the Parliament should refuse, this would further embroil the Government with the Church and throw fresh obstacles in the way of the Treaty. Under the guidance of Carstares, however, the Commission contented itself with holding "a day of prayer" on its own

account and recommending the various presbyteries throughout the country to follow its example[1].

If the Government thus had its way in Parliament, it received convincing proof that it was not regarded with favour out of doors. From the day when the Parliament sat, Edinburgh had been in a furious state of excitement, which was assiduously fanned by the Jacobite members. The excitement came to a head on the 23rd of October. On the evening of that day the Parliament House was beset by a wild mob bent on mischief. "Had the mob got in," wrote Mar, "it was too probable that the consequences would have been tragical." Hamilton, "in his chair with the glasses down," made his way to Holyrood attended by the huzzaing multitude. Having seen Hamilton safely home, they turned their attention to the ex-Provost, Sir Patrick Johnstone, who, as one of the Commissioners for the Union, had made himself specially detested. Fortunately Johnstone's abode was in an upper storey, so that only a small detachment could lay siege to his door. Meanwhile, Mar, with Argyle, the Marquis of Lothian, and some half dozen others, were dining at Lord Loudon's, when the noise of the tumult broke in upon their conviviality. Summoning certain of the baillies, they ordered them to call the Town Guard and suppress the disturbance. The Guard was in time to save Sir Patrick's door, but was unable to disperse the rioters. The mob grew in numbers and excitement as the night wore on; and (a thing unprecedented) the Lord Provost at the command of the Commissioner was constrained to introduce a battalion of the Royal Guards within the precincts of the town, with the result that the streets were promptly cleared and tranquillity restored. The tumult had shown how the Edinburgh populace regarded the prospective Union; but, as no blood was drawn and little damage was done beyond the breaking of windows, the mob could hardly have been in its angriest mood. Moreover, the event turned to the advantage

[1] *Mar and Kellie Papers*, Oct. 13, 16, 23, 1706.

of the Ministry, as it afforded an excuse for quartering three regiments of foot in the city, between whose files the Commissioner daily rode in his coach between Holyrood and the Parliament House[1].

The Articles having been read and discussed, the tug of war came on the 1st of November, when it was moved that they should now in succession be put to the vote, though with the condition that none should receive the sanction of the House till all had been approved. As the first Article, enacting the Union of the two kingdoms, was the foundation of all that followed, the battle over it was fought with the full conviction of its importance. The two champion orators on the respective sides were Seton of Pitmedden and Lord Belhaven, the different style of whose speeches displays the range of oratory in a Scottish debate[2]. Measured, compact and logical, Seton's speech would not have misbecome Lord Somers himself. Belhaven's, on the other hand, was a melodramatic rhapsody exclusively addressed to the emotions of his audience. In the form of a vision he drew a desolating contrast between Scotland free and independent and Scotland bound hand and foot to England. "I think I see," he cried in a famous passage, "our ancient mother Caledonia like Caesar sitting in the midst of our senate, ruefully looking round about her, covering herself with her royal garment, and breathing out her last with an *Et tu, mi fili*." Even for the most emotional of anti-Unionists this was a flight to which they could not rise; and there was a general laugh at the orator's expense when Marchmont rose and quietly remarked that the best answer to the speech they had just heard was: "Behold he dreamed, but lo! when he awoke, he found it was a dream[3]." On the vote being

[1] *Mar and Kellie Papers*, Oct. 26, 1706; Defoe, *op. cit.* Part III, pp. 28 et seq.

[2] Both speeches are given by Defoe, *op. cit.* Part IV, pp. 28 et seq.

[3] *Ib.* p. 44; *Mar and Kellie Papers*, Nov. 3, 1706. Belhaven's speech, when printed, had a greater success outside of the House, and was apparently regarded as a masterpiece of eloquence.

taken on the 4th of November, a majority of thirty-three declared for the Government—a number which significantly proved that the fate of the Treaty might yet be in the hands of the Squadrone. As it appeared, however, the Squadrone had made up its mind to support the main objects of the Union; for again with its aid, on the 15th and 18th of November respectively, the second and third Articles, the one devolving the succession on the House of Hanover, and the other enacting that there should be one Parliament for the two kingdoms, were carried by similar majorities[1]. As these were the governing Articles of the whole Treaty, the Ministers might now entertain fair hopes that the Union was in sight.

Another point that was gained strengthened the probability of a successful issue. As we have seen, all questions concerning the Church and religion had been expressly excluded from the union negotiations. It was with natural anxiety, therefore, that the clergy of the National Church regarded the prospect of an incorporating union and its probable results for the religious settlement of the country. To the majority of them it seemed that, in the event of union, no possible arrangement could provide an adequate guarantee for the security of the Presbyterian settlement. A United Parliament, in which the overwhelming majority would be English Churchmen, would of necessity sooner or later seek to impose one form of Church government on both kingdoms. Possessed by this dread, the majority of the national clergy unmistakably showed that they were prepared to oppose the Treaty with all the means in their power. "One thing I must say for the Kirk," wrote the Secretary Mar on the 7th of November, "that if the Union fail it is owing to them[2]." It was from the conviction of its wisdom as well as from policy that on the 12th of November an Act of Security was passed,

[1] *Acts of Parl. of Scotland*, XI. 311—329; Defoe, *op. cit.* Part IV, pp. 22—80.

[2] *Mar and Kellie Papers*, Nov. 7, 1706.

which, so far as words could go, safeguarded for all time the National Church of Scotland as it had been established at the Revolution. According to the terms of this Act, the Church as it now existed was "to continue without any alteration to the people of this land in all succeeding generations"; and the four Universities, whose professors must be members of the National Church, were similarly to remain "within this Kingdom for ever." Though not embodied in the Act of Union, the Act of Security was to form an indissoluble part of it; and, to surround it with a special sanctity, the successors of the reigning sovereign were to subscribe and swear to it at their accession instead of at their coronation[1]. By this solemn pledge for the immunity and perpetuity of their Church, its sager heads were gained for the Union; but no pledges could satisfy the majority of the country clergy, who all through the prolonged debate spared no endeavours to bring it to naught.

With every prospect of being foiled in the Parliament, the Opposition had still the hope of attaining its end through the force of public opinion. When Charles I sought to impose Laud's Liturgy on the nation, it was by means of "supplications" that the Privy Council had been taught that the nation would not have it. If a sufficient number of petitions against the Union were forthcoming, therefore, the Government might be similarly coerced into abandoning the detested Treaty. To procure such petitions from every class and every part of the country thus became the strenuous endeavour of the Jacobite minority. That these petitions or addresses were prompted, inspired, and even dictated by the Jacobite leaders we have the admission of one of their own number[2]; but it is equally undeniable that the addresses expressed the popular attitude towards the Union. At the beginning of November the

[1] *Acts of Parl. of Scotland*, XI. 402—3. The Act was carried by a majority of 74.—*Mar and Kellie Papers*, Nov. 12, 1706.

[2] Lockhart, *op. cit.* I. 166—170. Cf. also p. 437, for an illustration how addresses were procured.

addresses began to pour in, and continued in an unremitting stream through the greater part of the session. They came from the barons and freeholders, from the Convention of Burghs, from single burghs and parishes, and were all to one purport—that an incorporating union would be equally injurious to the honour and interest of the kingdom. But the rain of addresses made no impression on the obdurate Ministers. "The story of the addresses is very well known," wrote the Secretary; "they were procured by people mostly disaffected to the Government[1]"; and Argyle mockingly said that they were only fit to make kites of.

But popular opinion expressed itself in a more emphatic form than in this paper assault. In the capital the opposition to the Treaty continued as violent as ever; and on November the 19th the Commissioner informed the House that on his way home on the previous evening he had been stoned by "a number of people of the meanest degree." In Glasgow also the populace was showing even more serious signs of restiveness. An inflammatory sermon preached in the Tron Church on November 7th gave the cue to the mob, already prepared for mischief. On the following day the people beset the Council-House and clamoured for an address against the Union. The Provost refused at the risk of his life, and fled to Edinburgh. Thinking that the tumult had subsided, he returned to Glasgow; but within a few days the mob rose again, and on this occasion found a leader in one Finlay, who had seen service in Flanders. Again a quarrel arose with the Provost, who was set upon as he was leaving the Tolbooth, and compelled to take refuge in a house where he found safety from his pursuers in a folding-bed. The mob was now master of the town, and was en-

[1] *Mar and Kellie Papers*, Nov. 16, 1706. Mar adds that no one could say that the nation's inclinations were known by these addresses, as the quarter of the people had not signed them. The only address in favour of the Union came from Ayr; but the Ministry maintained that, if they had taken the trouble, they could have procured as great a number of favourable addresses as the Opposition.

couraged by rumours of similar enterprises in Stirling, Hamilton, and other parts of the country. At the head of a party of over 40 men Finlay marched to join hands with sympathisers at Hamilton; but, meeting with no encouragement by the way and alarmed by the tidings of the approach of the Queen's troops, their hearts failed them, and they separately returned to Glasgow. The mob of the town had by this time become equally disheartened; and, a detachment of 220 dragoons having carried off Finlay and one of his chief associates, order was at length restored after what had been one of the most serious outbreaks in the history of any Scottish burgh[1].

From other parts of the kingdom—notably from the south and west and the country of the arch-anti-Unionist Atholl—there came rumours of risings and musters, all directed against the obnoxious Treaty[2]. On the 20th of November a body of men entered the town of Dumfries, publicly burned the Treaty, and fixed to the town cross a flaming protest against its conditions. To the Cameronians, who were credited with this achievement, the Union was a bartering of the national soul, which could only entail judgment in this world and the next. According to a questionable authority, they even permitted themselves to be drawn into a sinister alliance. Sooner than see the Union take effect, they were prepared to join hands with the Jacobites, and fight by their side against the common foe. One Cunningham of Eckatt, a discontented Whig in the pay of the Jacobites, organised a plan of action which, if it had taken effect, would have plunged the country in civil war. In concert with the Highland followers of the Duke of Atholl, an army of Cameronians, numbering over 7000 men, was to march on Edinburgh, "raise the Parliament," and cut short the proceedings of the legislators. On the eve of the enterprise, however, the Duke of Hamilton, who had all along been in the secret of the conspiracy, shrank from the consequences of

[1] Defoe, *op. cit.* Part III, pp. 60—71.

[2] *Mar and Kellie Papers*, Nov. 26, 1706.

his action, and gave secret orders that it should be postponed till a more favourable opportunity[1].

This enterprise having miscarried, the Opposition conceived the idea of attaining their ends by more constitutional methods. The barons, freeholders, and heritors should flock to the capital, and petition the Commissioner either to abandon the Treaty or consent to the election of a new Parliament with a special mandate to deal with the whole question of union. The design had the approval equally of Fletcher, Atholl, and Hamilton; the intended address was drawn up, and above five hundred of the petitioners appeared in the city. Once more, however, the vacillating Hamilton played his characteristic part. At the last moment he informed the petitioners that, unless the address approved the Hanoverian succession, he would not be a party to it—a condition which sent the petitioners home with their purpose unaccomplished[2].

It was, in truth, in terror of their lives as well as anxiety for the fate of the Treaty that the Ministers proceeded with their task. "I am not very timorous," wrote Mar on November 19th, "and yet I tell you that every day here we are in hazard of our lives." Nothing, he also writes on the same day, prevents an invasion of the capital but the season of the year and the bad weather; and a week later he urges, as a necessary measure, that troops should be immediately quartered in the north of England and Ireland[3]. To the indignation of their opponents, the Government took a step which was yet a necessary precaution for the prevention of civil war. By a clause in the Act of Security it had been made incumbent

[1] Lockhart, *op. cit.* I. 196—201. Lockhart himself advanced money to Ker. Cf. also *Memoirs of John Ker of Kersland, in North Britain, Esq.* (1726). Ker, who played an active part in the affairs narrated in the text, was in the pay both of the Jacobites and the Government.

[2] Lockhart, *op. cit.* I. 201—4.

[3] In the beginning of December 800 horse were actually sent to the Borders by the advice of Marlborough.—*Mar and Kellie Papers*, Dec. 10, 1706.

on all burghs and heritors to hold monthly levies for exercise and discipline[1]. Passed under different circumstances and with a very different intention, this clause provided a convenient pretext for those musterings which were now alarming the Government. On the 30th of November, therefore, an Act was passed suspending the operation of the dangerous clause during the current session of Parliament[2].

Amid all these disquieting manifestations the Government steadily pursued its work of passing the Treaty into law. The three fundamental Articles having been carried, those dealing with trade and taxation had next to be faced, and the great concern of the Ministers was that they should emerge only with such modifications as would not be unpalatable to the Parliament of England. Only when concession was imperative did they yield an inch of ground, with the final result that the alterations effected in certain of the remaining Articles were both few and inconsiderable. In the case of the sixth Article, which imposed equality of customs, oatmeal was added to the list of Scottish commodities which should be favoured with a bounty. Of the fiscal Articles the eighth, which dealt with the duties on salt, was the one which raised the gravest apprehensions on the part of the Government[3]; and, in point of fact, they had under this head to make what they deemed an important concession. By the eighth Article Scotch salt was to be free of duty for seven years after the Union, but after that date was to be subject to the duty of *2s. 4d.* a bushel which had been imposed in England in the previous reign; but by the Article, as it was finally modified, this duty was to be reduced to a shilling, and a bounty, moreover, assigned to pork and salted beef[4]. As the following five Articles were passed without

[1] See above, p. 90.

[2] *Acts of Parl. of Scotland*, XI. 344.

[3] "There is nothing of the Treaty I am now so afraid of here as the salt," wrote Mar on Dec. 10.

[4] *Mar and Kellie Papers*, Dec. 21, 24, 1706.

amendment, the Ministers began to congratulate themselves that they were now "in sight of land." Before the close of December, however, the Opposition made still another effort to wreck the Treaty through the force of public opinion. Again the barons, freeholders, and heritors were to be summoned to Edinburgh to present the address which had previously miscarried through the action of Hamilton. Warned of this purpose, however, the Government effectually met it by a proclamation (December 27) declaring the intended convocation to be "unwarrantable and seditious[1]."

By the opening of the new year (1707) there was every prospect that the Union would speedily be an accomplished fact. One final struggle, however, was made by the Opposition to avert the disastrous day. Of all the Articles of the Treaty none was more galling to the national pride than the twenty-second, which limited the representatives of Scotland in the United Parliament to the number of sixty-one. Against this obnoxious Article every anti-Unionist might be expected to concentrate the full bitterness of his wrath. Again on the initiation of Hamilton, therefore, it was arranged that on the day when this Article came up for debate a decisive effort should be made to cut short the proceedings of the House. As devised by Hamilton, the plan of proceeding was ingenious and, but for the character of its author, might have led to the civil war which its supporters anticipated. In place of the Treaty the alternative of settling the succession on the House of Hanover was to be offered to the House—an offer which Hamilton urged would array the English Tories against the Union. As the alternative would be scornfully rejected, a general protest against the Treaty was then to be read, whereupon the Opposition were in a body to leave the house "not to return again." So things were arranged; and, as Hamilton was the father of the plan, it was generally understood that he was to bell the cat. When the momentous day

1707

[1] *Acts of Parl. of Scotland*, XI. 371; Lockhart, *op. cit.* I. 203—5.

came, it was announced that Hamilton was suffering from toothache, and could not leave home. Overcome by the expostulation of his friends, however, he at length appeared in the House, and, summoning such as were in the secret, desired to know who was to present the protest. It was in vain that his friends urged that he was the only fitting person to discharge this duty; he would be the first to subscribe the protest, he said, but they must find another to present it. The delay was fatal; the House had passed the critical point in its business when the blow was to be struck, and another opportunity did not occur[1].

With the passing of the twenty-second Article, which had prompted the abortive plan, is associated a tragic event. On the day on which it was carried there had been a long and obstinate debate in which the Earl of Stair had taken his usual prominent part. The strain, coming at the close of the prolonged and anxious session, proved too much for his exhausted powers; and in the course of the following night he was stricken with apoplexy[2]. He had not lived to see the final ratification of the Union, for the accomplishment of which he had from first to last done more than any other of his countrymen, but of the ultimate result he died in full assurance. He ranks with the greatest statesmen that Scotland has produced; but, even though it be admitted that his career has been judged without due appreciation of the circumstances of his time, in his passionless temper and luminous reason there was something from which men shrank as apart from normal humanity.

Eight days after the death of Stair, and after an intermittent struggle of nearly three months, the Treaty of Union received the final sanction of the House[3]. On the 16th of January the Commissioner touched the Act with the royal sceptre and at the same time, as inviolably bound up with it,

[1] Lockhart, *op. cit.* I. 206—214.
[2] *Stair Annals*, I. 216.
[3] It was carried by a majority of 41.

the Act for the Security of the Church. A few difficult matters, however, still remained to be settled which prolonged the session till the 25th of March. Among them was the distribution of the Equivalent, in which so many different interests were involved. As finally arranged, more than half of the total sum was to be allocated to the African Company; part was to go for losses in connection with the change of the coinage, part to the payment of national debts, and part to the expenses of the two Commissions for the Union, while £2,000 were to be granted annually during seven years for the encouragement of the manufacture of wool. A still more difficult question, as evoking the worst passions of the leaders of all parties, was the settlement of the method of electing the representatives for the United Parliament. Following the prudent example set by the English Parliament, now deliberating on the Treaty, the House resolved that the first representatives sent up should be chosen from the existing assembly. Out of the forty-five members who were to sit in the House of Commons thirty were to represent the shires and fifteen the burghs—Edinburgh alone having a member to itself. In future elections the other sixty-six burghs were to be divided into groups of fourteen, each of which was to choose a Commissioner; and these fourteen Commissioners were to form the elective body. In the case of the election of the sixteen representative peers who were to sit in the House of Lords the strife was specially prolonged and bitter. Out of a hundred and fifty-four Scottish peers who were to be the favoured few? It was finally agreed that the nomination should be left with the Commissioner, who, so far as circumstances would allow, made up the list out of all the leading peers who had given their support to the Treaty[1]. In the case of future Parliaments it was resolved that the representative peers should be elected by their fellows and by open voting.

[1] *Mar and Kellie Papers*, Feb. 5, 1707. In deference to the Queen's expressed wish, Hamilton was not chosen.

The labours of the legislators were now accomplished, and they had been such as to put the severest strain equally on their powers of mind and body; but they reaped no reward in the exulting gratitude of their countrymen. Throughout their labours and for many a day after them, they were generally denounced as hirelings who had sacrificed their country for their own base profit. That they should be accused of being directly bribed to play their miserable part was a natural charge in an age when venality prevailed in every department of the State. Russell, Marlborough, Godolphin, and almost every prominent English statesman of the time, trafficked for pelf or place on a scale which affected the national exchequer; and the Speaker of the House of Commons kept open a regular office for the bribery of its members. The charge of bribery brought against the Scottish statesmen who carried the Union was first deliberately formulated by the Jacobite Lockhart[1]—a witness, to say the least, capable of making rash statements against his opponents. At the prompting of Queensberry, according to Lockhart, £20,540. 17*s.* 7*d.* were paid out of the English Treasury to purchase votes and influence in support of the Union. Of this sum £12,325 found its way into Queensberry's own hands for his official expenses, and the remainder was distributed among thirty different persons. Lockhart's statements do not bear a close examination, yet it is more than probable that certain sums of money were spent in procuring the support of influential persons for the Union. We have indisputable evidence that, in connection with the session of 1703, bribes were freely distributed among the members of the Scottish Parliament[2]; and

[1] Lockhart, *op. cit.* I. 262—272. A similar accusation is brought by Secretary Johnstone. According to Johnstone £10,000 were paid to Godolphin to give his support for the Union. He also affirms that money was disbursed to the Scottish Ministers with the same purpose (*Jerviswood Correspondence*, p. 160). But these are vague accusations and may be taken for what they are worth.

[2] The proof of this is contained in the following passage: "His Grac

during the all-important session of 1706—7 there was still more pressing occasion for similar inducements. That bribery carried the Union, however, would be a contention absurd on the face of it. If one thing is apparent from the correspondence of the Scottish statesmen who were mainly responsible for its accomplishment, it is that they were profoundly convinced of its necessity in the interest of both kingdoms. "Yet I may say over an old prayer of mine," wrote the Earl of Cromarty to Mar, on November 17, 1705, "God send a solid Union in and of Britain; for I am sorely afraid and firmly persuaded that such only will secure Britain and deliver old Scotland from its many complaints[1]." It was in this spirit and out of this conviction that the men who carried the Union threw themselves into their labours with an ardour and a good will which no bribery could purchase; and, if from sentiment rather than reasoned conclusions a majority of their contem-

(Queensberry) wishes his Lordship to remind the Queen of some secret disbursements he made when Commissioner, for which he had secret instructions, but which because of their nature could not be stated in the accounts with the Treasury. Her Majesty may trust him or order payment or not as she pleases."—James Murray, Lord Clerk Register, to the Earl of Mar, *Mar and Kellie Papers*, Nov. 20, 1705. The Scottish nobles had always been an impecunious body; and, at the time of the Union, their frequent journeys to London and the prolonged sessions of the Scottish Parliament must have occasioned a heavy drain on their incomes. The Earl of Rosebery, though an ardent supporter of the Union, unwillingly accepted his appointment as one of the Commissioners for the Treaty, on the ground that "considering the scarcity of money in this country, it is not very convenient for me."—*Ib.* March 11, 1706. It was reckoned that a journey to and from London, and a residence of six months there, would cost £500.—*Essay upon the Union, &c.* (Edin. 1706), p. 29.

[1] *Mar and Kellie Papers*, Nov. 17, 1705. Baillie of Jerviswood, one of the chiefs of the Squadrone, writes to the Earl of Roxburgh as follows: "After all, considering the temper of this people, how unfit to govern ourselves, how likely to weary of Limitations, were they got, and for other reasons mentioned in yours, I must be convinced that Union is our only game."—*Jerviswood Correspondence*, p. 145.

poraries denounced them as traitors to their country, the consenting testimony of a later time has approved the far-sighted wisdom of their policy.

1707 In the beginning of February, about a fortnight after the Treaty had been ratified in the Scottish Estates, it was submitted to the Parliament of England. It had been with the approval of a large majority of both Lords and Commons that the negotiations had been undertaken; and the swift progress of the Articles through both Houses showed that they had not changed their minds. Only one addition of importance was made to the measure. Following the example of the Scottish Church and recalling, perhaps, the Solemn League and Covenant with its portentous implication, the English bishops insisted that an Act securing the Church of England should be added to the Treaty. On the 6th of March, from her throne in the House of Lords, the Queen gave the royal assent to the measure in the presence of Lords and Commons; and on the 19th amid a salvo of guns from the Castle the "exemplified" Act was read to the Scottish Parliament and ordered to be recorded. As the Chancellor Seafield handed the Act with his signature affixed to the Clerk of the House, he is said to have exclaimed, "Now, there's ane end of ane auld song[1]." It is a form of words employed by his countrymen when they would relieve a sigh with a jest.

IV. First fruits of the Union, 1707—1714.

1707 A correspondent writing to the Earl of Mar from Edinburgh on the 1st of May, the day when the Treaty of Union came into force, uses these significant words: "There is nothing so much taken notice of here to-day

[1] Seafield's saying is recorded by Lockhart, who characterises it as a "despising and contemning remark" (*op. cit.* 1. 223). When a Scotsman uses these words, however, it is in "humorous sadness"; and it was doubtless in this spirit that Seafield uttered them.

as the solemnity in the south part of Britain and the want of it here." True, the bells rang from the steeple of St Giles' to signalise the occasion; but the same correspondent notes as of dubious omen that the first tune they played was, "Why should I be sad on my wedding day[1]?" The first experience of the results of the Union was indeed fitted to justify the gloomiest auguries as to the future relations of the two kingdoms now indissolubly bound to a common destiny. In their zeal to consummate the Treaty, neither the English nor the Scottish legislators had taken the most ordinary precautions to ensure its harmonious working in the first stages of its action. Hardly had the Union come into force when one needless cause of friction after another arose to make both nations repent their irrevocable act. By one of the terms of the Treaty it had been arranged that English revenue officials should be quartered in Scotland to superintend the new fiscal operations of which the natives of that country had no experience. In any case the duties to be performed by these strangers must have rendered them obnoxious; but the promiscuous mob of officials who were sent across the border and the manner in which they went about their task awoke a lasting indignation throughout the whole country, and as much perhaps as any other cause created a settled antipathy to the Union[2].

An ill-judged delay in disbursing the Equivalent was also a needless source of temporary irritation. The Equivalent had been a tempting bait from the first, and promptly paid would have come with a better grace; but weeks and even months wore on and still the coveted treasure did not make its appearance. "The Equivalent is so much despaired of here," wrote one from Edinburgh, "that among the vulgar the greatest part

[1] *Mar and Kellie Papers*, May 1, 1707.

[2] Lockhart, in his usual vigorous style, describes them as "the very scum and canalia" of England (I. 223). The Earl of Glasgow, writing to Mar, says that their coming threw the country "into an unaccountable ferment."—*Mar and Kellie Papers*, May 30, 1707.

believe it is gone to Spain, and some believe that the bridge of Berwick is fallen with the weight of it, and all is lost[1]." At length, on August 5, conveyed in twelve waggons, and guarded by 120 Scottish dragoons, the precious burden reached the capital, where in spite of doubled guards a riotous mob vented its spleen by stoning the convoy[2]. But disloyal manifestations were not confined to the populace. The 10th of June, the birthday of the Pretender, had been signalised by defiant demonstrations in favour of the exiled family. In the roads of Leith several merchant ships mounted their ensigns; and at one o'clock in the morning a "considerable company" gathered round the town cross and quaffed the healths of the Pretender and the Duke of Berwick[3].

The cupidity of traders in both countries gave rise to other embarrassments in connection with the first working of the Treaty. From the 1st of May, when the Treaty was to come in force, duties on imported goods were to be equal in both countries; and a piece of sharp practice naturally suggested itself to the trading instinct. The duties in Scotland were considerably lower than the duties in England; it would be a good stroke of business, therefore, for English and Scottish traders alike to import into Scotland as great a quantity of commodities as possible before the coming 1st of May. But from the 1st of May, by the terms of the Union, there would be free trade between the two kingdoms; and so the commodities thus cheaply imported could be conveyed into England with excellent profits to the ingenious dealers. The arrangement for levying imports in Scotland, moreover, admirably lent itself to their happy device: the customs in that country were let to tacksmen who, in view of the increased

[1] *Mar and Kellie Papers*, May 31, 1707.

[2] *Ib.* Aug. 5. It was made a further grievance that only £100,000 were in bullion. The remainder, in Exchequer Bills, was shortly afterwards cashed in London.

[3] *Ib.* June 12, 1707.

body of imports, gladly abated their usual exactions. In this profitable enterprise English dealers shared as well as Scots; but the English dealers had also a game of their own, and of more questionable commercial morality. On tobacco imported into England a duty was paid of 6*d.* per pound, but when again exported it received a bounty of 5*d.* Export the tobacco to Scotland therefore; receive it back duty free after the 1st of May; and 5*d.* per pound would be recouped to the happy trader. In view of this tempting prospect it is no wonder that at least 6,000 hogsheads of tobacco found their way from England across the Scottish border.

But these practices were not regarded with favour in all quarters. The London merchants especially saw with indignation that, in the case of the most lucrative commodities, they would be serious losers by these dubious transactions; and they appealed to the House of Commons for redress. The Commons responded by passing a bill declaring that the importation of foreign goods by way of Scotland was "a notorious fraud"; but the House of Lords was of a different mind, and refused to give its sanction to the bill. About the middle of June the affair came to a head. Fifty vessels, laden mainly with wine and brandy, appeared in the Thames—all from Scotland and all with assurances that their cargoes had been imported before the 1st of May. They were promptly pounced upon by the custom-house officers, and their cargoes seized. Loud was the outcry in Scotland at what was declared to be a gross breach of the Treaty of Union; and the Convention of the Scottish Burghs strenuously petitioned the Government on behalf of their injured fellow-countrymen. But to distinguish between the commodities that had been honestly or dishonestly imported in the arrested ships was a problem which passed the wit of Parliament and Privy Council alike; and finally the question was referred to the first British Parliament, which was appointed to assemble in the following autumn[1]. From the

[1] Defoe, *op. cit.* Appendix, Part I. pp. 1—7.

nature of the case the difficulty was one which could only arise immediately after the Union came in force; but by a little provision it might easily have been prevented, and it was an unfortunate beginning of the new commercial relations of the united kingdoms.

1707—8

The first Parliament of the United Kingdom met on October 23, 1707, and is notable for the passing of three important measures with reference to Scotland: in strict accordance with the Treaty of Union it abolished the Scottish Privy Council, set up a system of Justices of Peace, and established a Court of Exchequer in Edinburgh. The history of the Scottish Privy Council since the days when it had been manipulated by James VI had been such that no patriotic Scot could regard its decease with any feeling but unmingled satisfaction. In the words of a contemporary pamphleteer it had been virtually a "Turkish Divan," the tool of each successive Government, and an engine of oppression in the case both of Parliament and people[1]. The Scottish members of the United Parliament, however, were deeply divided as to the policy of its abolition. The Ministers who had carried the Union were strenuously opposed to its removal, for reasons that may have been partly selfish but were also based on grounds of public policy. It was impolitic in the interests of the Union, they urged, to offend public sentiment by destroying yet another national institution while the ink of the Treaty was hardly dry. But there was another reason that appealed more cogently to the English Ministry, and induced them to support the view of their Scottish allies. Before very long there would be an election for a new Parliament; and the Council would be a potent instrument in securing a representation favourable to

[1] *Somers Tracts*, XII. 624. It was a common saying, as we have seen, that the Secretary of the Privy Council was *de facto* King of Scotland.—*The Testamentary Duty of the Parliament of Scotland with a View to the Treaty of Union &c.* (1707), p. 5.

the existing Whig Ministry. It was the members of the Squadrone who for reasons equally mixed insistently pressed for its abolition. As Privy Councillors, Queensberry and his associates were supreme in Scottish affairs—a state of things naturally distasteful to rival politicians. Before the House of Commons, however, the Squadrone plied other arguments: the Scottish Privy Council, they urged, had always been and always would be an instrument of tyranny; and, moreover, it was at once irrational and inconsistent with the Treaty of Union that two Privy Councils should exist for one kingdom. In the Commons a bill for the abolition of the Council was passed by a great majority, and subsequently carried in the House of Lords in spite of the determined opposition of the Ministry. By the terms of the bill the Council was to become defunct on the 1st of May, 1708, a date which, in view of the coming elections, the Ministers would gladly have postponed till the 1st of October; but the Opposition understood the motive and inexorably insisted on the earlier date[1]. On the question of the Justices of Peace, the Scottish representatives were equally divided. It was the contention of the official party that the action of the Justices would be fatal to the feudal jurisdictions of the barons, which were specially conserved by the twentieth Article of the Treaty. By the Squadrone, on the other hand, it was maintained that the Privy Council had exercised the very powers which would be entrusted to the Justices; and that, moreover, Justices of the Peace were no new officials in Scotland. On this question, also, the Squadrone were supported by majorities both in the Lords and Commons; and the appointment of Justices of Peace for Scotland with jurisdiction identical with that of the same officials in England formed part of the Act abolishing the Scottish Privy Council[2].

[1] Burnet, *op. cit.* v. 349—352.

[2] The Act is given by Defoe, *op. cit.* Appendix, pp. 86—8.

1707—8

In the spring of 1708 English statesmen were perturbed by affairs in Scotland of greater moment than wrangles regarding the Privy Council and Justices of Peace. It had been the hope of the Scottish Jacobites and the apprehension of the Government that an invasion on the part of France might summarily cut short the session of the Parliament which had carried through the Treaty of Union[1]. The invasion, it was understood, would be as much in the interests of France as of Scottish Jacobitism, as it would compel England to withdraw her troops from the Continent, where they were fighting the armies of Louis XIV. It was mainly with this object, as Jacobites like Lockhart fully perceived[2], that in the spring of 1707 Louis dispatched a secret agent to Scotland to ascertain on what support he might reckon in the event of a French force landing on its shores. The agent he chose was one Colonel Hooke, who had begun life as an Independent preacher and a Whig, but subsequently became a Roman Catholic and entered the French army. Hooke had already paid a visit to Scotland in 1705, and had made the acquaintance of the Duke of Hamilton and other Jacobite leaders. Landing at Slains Castle, the abode of the Earl of Erroll, Lord High Constable of Scotland, he set himself industriously to work to foment and consolidate the disaffection against the Government. A less sanguine person than Hooke might have been discouraged by the slippery dealing of the Jacobite leaders. He received ready promises from minor personages; but the three chiefs who were the mainstay of their party—the Dukes of Hamilton, Atholl and Gordon—refused to see him in person, and only communicated with him through subordinates in studied evasions. Moreover, his mission was complicated by the continued rivalry of Atholl and Hamilton, each jealous for the first place in the councils of the King that was to be. To decide between these rivals was the most

[1] *Jerviswood Correspondence*, p. 174.

[2] Lockhart, *op. cit.* I. 234.

delicate business of Louis' emissary. If Atholl could command a mighty force of Highlanders, Hamilton, it was expected, could bring into the field the redoubtable Presbyterian Whigs of the west and south. On the whole, the Colonel decided to give the preference to Hamilton, and he returned to France with an alluring report on the general state of the country. Everywhere there was disaffection with the existing Government, and a longing for the rightful king; if a French force set foot in the country, an army of 25,000 foot and 5,000 horse, composed of Jacobites and Presbyterian Whigs, was ready to join it and march to the conquest of England[1]. Induced by this pleasant prospect, Louis decided to make the great venture. At this period, it was going well with his struggle against the Allies; on April 25th the Duke of Berwick had inflicted a severe check on the combined armies of Spain and England at the battle of Almanza, and the invasion of Scotland would be an opportune diversion. If the enterprise were successful, he would at once serve his own interests and satisfy his conscience, for he had promised to the dying James II that he would recognise his son as the rightful king of Scotland, England and Ireland.

At the close of February, 1708, the alarming news reached London that certain operations at Dunkirk portended an invasion of Britain[2]. At first the rumours were received with incredulity, and the Squadrone mockingly said it was "a trick of the Court[3]." By the second week of March, however, there was no longer room for doubt that invasion was imminent; and it was with well-grounded alarm that the Government regarded its possible issue. "I wish it come to nothing," wrote Mar from Whitehall, "but I am sure we have reason to apprehend the consequences of it if there be an attempt made by them on any place of this

1708

[1] *Correspondence of Colonel N. Hooke* (Roxburghe Club, 1871), II. 347—409.

[2] *Mar and Kellie Papers*, Feb. 19. [3] *Ib.* Feb. 26.

island." In Scotland there were only some 1500 royal troops, ill-paid, ill-equipped, and probably disaffected; and the fortresses of the country, the Castle of Edinburgh included, were in no condition to offer more than a feeble resistance. Uncertainty regarding the general feeling of the country increased the apprehension of the Government, for, though Jacobite plotters might exaggerate the disloyalty, there was no misinterpreting the fact that a general discontent prevailed, which any slight success of the enemy might fan into rebellion. Nor was England herself in a position to promise success in a great emergency, for her fleet was ill-manned, and her best troops were abroad and probably could not be recalled in time to prevent disaster.

1708 On the 17th of March[1] the invading force sailed from Dunkirk. It consisted of five ships of the line, twenty-one frigates, and two transports, and conveyed a body of about 6,000 men. Its commander was Admiral Forbin, who was the first seaman in France, but augured from the outset that the expedition was doomed to failure. In Forbin's own ship sailed the hero of the enterprise, the Chevalier de St George—for his enemies, the Pretender[2], and for his friends, the lawful king of the country he was essaying to conquer. As the invasion had been planned, the fleet was to enter the Firth of Forth; and the first attempt was to be made on Edinburgh, where only a feeble resistance was anticipated. Inadvertently, however, the fleet overshot its mark during the night; and it was not till the 23rd of March that it entered the Firth. As it proved, the delay was fatal to the success of the expedition. At daybreak of the 24th, before a landing could be effected, strange ships were seen at the opening of the Forth. It was the English fleet under the

[1] New Style.

[2] That is, the *Claimant*. The term *Pretender*, as then understood, had not the injurious implication it has at present. According to Burnet it was Anne who "fixed" the "new designation" on her brother.

command of Admiral Byng, who had been on the track of the enemy since he had put out of Dunkirk. Forbin was now in a critical situation, as the English were twice as strong as himself and commanded the egress from the Firth. In the expectation that the French would show fight, however, Byng drew up his ships in battle order, and thus gave Forbin the opportunity of slipping past him into the open sea. While these manœuvres were proceeding, the Scots who had accompanied the Chevalier became alarmed for his safety, and their fears increased when the English gave chase. The hope of his country, they told him, would now be safer on land than at sea; and at their importunities he besought Forbin to put him ashore at a certain castle whose lord was one of his friends. But Forbin had received strict charge regarding the safety of the prince, and refused to run the risk of setting him on shore. A successful issue of the enterprise was no longer to be hoped for; and Forbin, pursued for ten hours by the English fleet, made the best of his way back to Dunkirk. Only one ship had been taken, but, from first to last, the expedition had cost France the lives of 4,000 men[1]. Both in England and Scotland, however, it was the general conviction that only good fortune had saved the country from disaster. But for the stormy weather that had retarded the enemy's fleet, a landing would have been effected near the capital; and all the chances were that a civil war would have ensued, the issue of which it would have been impossible to predict. As it happened, the result, in Burnet's words, was "one of those happy providences for which we have much to answer[2]."

In connection with the abortive invasion there was one circumstance on which the Government had reason to congratulate itself, and which was all-important for the durability

[1] Professor Sanford Terry has collected the authorities regarding the invasion in his useful little book—*The Chevalier de St George and the Jacobite Movements in his Favour*, 1701—1720 (Lond. 1901).

[2] Burnet, *op. cit.* v. 358.

of the Union. When the danger was actually imminent, the Presbyterians of the south and west, who in the delusive hopes of Colonel Hooke were ready to take part with the invader, gave convincing proofs how utterly he had been misled. In districts, which during the debates on the Treaty had made themselves notorious by their hostile manifestations, the ministers spared no pains to rouse their parishioners to the defence of their religion and their country. From the Presbyteries of Glasgow, Kilwinning, Irvine, Paisley, Ayr, Hamilton, and Dumfriesshire—the districts where disaffection had been rifest—addresses were sent up to the Queen, expressing their ardent loyalty to the Crown and their joy at the nation's deliverance; and in the same districts, before the danger was past, subscriptions were diligently raised to maintain an armed force which might be at the service of the Government if occasion should require it. Finally, the General Assembly, which met in April under the moderatorship of Carstares, gave collective and unanimous testimony to the loyalty of the National Church by a response to the Queen's letter which left nothing to be desired as an expression of attachment to her person and abhorrence of her enemies[1]. The threatened return of a Stewart King had in fact effectually opened the eyes of the Presbyterians to what such an event might portend. They knew that the son of James VII was a Roman Catholic like his father; they saw the kind of men by whom he was surrounded and who would eventually direct his councils; and, with the memories of his ancestors in their minds, they perceived that by their past doings they had been playing fast and loose with the very existence of their Church. Under the existing *régime* that Church was as secure as statute could make it; how it would fare at the hands of a Stewart King they had good reason to forebode. It was one of the definite and fortunate results of the late invasion, therefore, that the ministers of the National Church, as a body, became henceforward the stay and

[1] *Mar and Kellie Papers*, March 24, April 15, May 5, 1708.

prop of the double settlement that had been effected by the Revolution and the Union. During the remaining years of the reign of Anne their allegiance was to be sorely tried by measures which they resented as infringements of their liberties, but they never forgot that the Hanoverian dynasty was the only guarantee for the permanent security of their Church.

But, though the loyalty of the national clergy had been thus unmistakably declared, the Government was still encompassed with difficulties which the factions among Scottish statesmen sought to turn to their own account. The failure of the French invasion had further exasperated the natural enemies of the Union. The Episcopalian clergy had not concealed their jubilation at the prospect of what they deemed their coming deliverance, and were proportionally disappointed when their hopes were blasted. Naturally their relations to the predominant Church became more uncomfortable than ever. To detestation of their tenets was now added the quickened fear of their political predilections, which involved the overthrow of the existing settlement. During the remainder of the reign, as we shall see, the National Church only wanted the power to stamp out Episcopacy as at once a danger to the State and a standing reproach to true religion. The Jacobite laity, when the plan of invasion had miscarried, were no more reconciled than before to the existing Government. With more persistent assiduity they set themselves "to improve the general dissatisfaction[1]," and by such constitutional means as were in their power to strengthen their interest in the representation of the country.

A step taken by the Government immediately after the invasion materially assisted the Jacobites in both of these aims. It was known or suspected that many lords and gentlemen had all along been in collusion with the invaders; and the French fleet had hardly left the Scottish coast before the Duke of Gordon, the Earls of Moray, Seaforth, Traquair and others,

[1] The phrase is Lockhart's (*op. cit.* I. 292).

Lord Belhaven among them, were lodged in Edinburgh Castle, the Duke of Atholl being secured in his own residence[1]. To the indignation not only of Jacobites but of many friends of the Government, the majority of these prisoners, to whom the Duke of Hamilton was subsequently added, were brought up to the Tower in London, there to await their trial for high treason. It was naturally concluded that the chief officers of state for Scotland—Queensberry, Mar, and Seafield—were responsible for this insult to the nation. In point of fact, it was the action of Sunderland, Godolphin, and Marlborough, who were playing a deep game against their Whig colleagues in the English Ministry. Their intention in bringing the Scottish prisoners to London was not to pursue them with the rigours of the law but to gain their support in view of the coming elections. As it happened, they were caught in their own trap. Their Whig colleagues secured the discharge of the prisoners[2], who, with Hamilton as their chief, engaged themselves to use their influence in electing such Scottish peers as would be favourable to the Whig interest. To crown this incongruous alliance of Whig and Jacobite, the Squadrone, which now had for its chiefs the Dukes of Montrose and Roxburgh, the Earls of Rothes and Haddington, threw their influence into the scale against Queensberry and his associates, whom they had lately supported in carrying the Treaty of Union[3].

1708

The impending election was the first appeal that had been made to the country since the Union of the two kingdoms; and all parties put forth their full strength to secure satisfactory results in their respective interests. As the time of the election approached, it was with increasing

[1] *Mar and Kellie Papers*, March 25, May 14.

[2] Lord Belhaven died in confinement.

[3] Lockhart's account of these transactions (*op. cit.* I. 293—4) is borne out in the main by the papers of the Earl of Mar and Kellie. From Mar's correspondence, however, it is clear that he and Queensberry did not connive with Sunderland and Marlborough in bringing the Scottish prisoners to London.

apprehension that the Scottish Ministers looked forward to its result. The Privy Council no longer existed to enable them to bring effectual pressure to bear on the shires and burghs; and the alliance of the Squadrone and Jacobite lords was an unexpected and formidable factor in the situation. Nor was the feeling of the country such as to justify any sanguine hopes that there would be a spontaneous rally in favour of the Government. Writing from Edinburgh to the Queen on the eve of the elections, Mar uses these significant words: "I think myself obliged in duty to let your Majesty know that, so far as I understand the inclinations and temper of the generality of this country, [it] is still as dissatisfied with the Union as ever, and seems mightily soured[1]." Such being the general outlook on the eve of the elections, their result might be regarded as an agreeable surprise to the Government. In the shires and burghs Ministers had a decisive majority; and, in spite of the joint efforts of the Squadrone and their allies, they secured ten out of the sixteen representative peers.

The first British Parliament by ordinary election met in November, 1708, and sat till the following April. Through a conjunction of circumstances the main business of the session was concerned with the affairs of Scotland. A petition from the shire of Aberdeen against the election of Lord Haddo, the eldest son of the Earl of Aberdeen, raised a constitutional question which had been keenly debated in the last session of the Scottish Parliament. The petition found strong support both from the Scottish and English members of the House of Commons. By the Scots it was maintained that the election of the eldest sons of peers for the Estates had been contrary to constitutional practice in their country,

1708—9

[1] *Mar and Kellie Papers*, June 14, 1708. Writing to another correspondent on the same date, Mar says that on the night of the 10th of June (the birthday of the Pretender) he was dining with Seafield and others, and was detained till the morning from the fear of a Jacobite mob in the street.

while the English members resented their election as an encroachment of the peers on the privileges of the Commons. It was by a great majority of the House, therefore, that the elections of four eldest sons of peers were disallowed; and it was resolved that such persons should henceforth be disqualified for any constituency[1]. Another question regarding the privileges of peers concerned the Upper and not the Lower House. Queensberry, now a Secretary of State, had been created a peer of Great Britain under the title of the Duke of Dover, and by this title had a right to a seat in the House of Lords. But in virtue of his Scottish title he could also claim a vote in the election of the sixteen representative peers of Scotland. To the exercise of this double right two objections were taken. It gave an undue advantage to the favoured person over his fellow-peers; and, moreover, it would be in the power of any Ministry to confer English titles on a sufficient number of Scots and so secure the election of a body of Scottish peers entirely in its own interest. Induced by these considerations, a majority of the House decided against Queensberry's claim; but, as was to be seen at a later day, the relation of Scottish peers to the House of Lords was to raise another difficulty that touched more closely both their own privileges and the honour of their country.

Of much greater moment than the privileges of the peers was another business in which not one class only but the entire nation of Scotland was interested. In connection with the late invasion a number of Stirlingshire gentlemen had been tried at Edinburgh on a charge of high treason, and all of them had been acquitted. In view of the state of public feeling in Scotland their acquittal was in the Government's own interest; but the Ministers in London were convinced that their acquittal must have been due to some inherent defect in the Scottish law of treason. Now that the two kingdoms had become one, however, the security of England was involved in the con-

[1] This disability was removed by the Reform Bill of 1832.

tinuance of this law; and the Ministers resolved that there should be one law of treason for both countries, and that this law should be that of England. The proposal raised equal alarm and indignation on the part of the Scots, all ranks and parties of whom for once combined against the common enemy. By the 18th and 19th Articles of the Treaty of Union it had been expressly stipulated that the laws and judicatories of Scotland should remain unaffected on the completion of the Union. But now, before the Union was two years old, it was proposed that these conditions should be set at naught; what pledge, then, was there that all the other Articles safeguarding the interests of Scotland—the security of the National Church among the rest—would not sooner or later undergo the same fate?

In spite of this indignation a bill was introduced into the House of Commons for carrying out the object of the Ministry, but so determined was the opposition of the united Scottish members that the bill was rejected. Not to be thwarted, however, the Ministers submitted the bill to the House of Lords, where they could reckon on a larger following. By the terms of the bill what was treason in England was to be treason in Scotland; and the English treason law with its prescribed pains and penalties was to be the same in both countries. To each of these heads the Scots Lords, supported by a large body of English Tories, offered a strenuous opposition. How, they asked, were they to know what constituted treason in England? The bill did not define it, and they would have to ransack the English statutes to discover it for themselves. As to the proposal to apply the English treason law to Scotland, the Scots stoutly maintained that their own law was the better of the two, as ensuring a fairer trial to the accused[1]. To the third clause, which attached the same penalties to treason in both countries, the Scottish Lords, for reasons

[1] By the English law of treason the accused was not allowed the assistance of counsel, and only two witnesses were required.

sufficiently explained by the past history of their order, offered a specially stubborn resistance. By the English law confiscation followed the proof of treason—a penalty, it was argued, which visited the sins of the fathers upon the children, and which, moreover, involved a breach of private rights in Scotland, which had been expressly safeguarded by the Treaty of Union. In spite, however, of the efforts of the Scots and their allies, only two amendments were effected before the bill received the sanction of both Houses; and these came from the Commons. The names of witnesses against the accused were to be submitted to him ten days before trial; and forfeiture of landed estate was not to follow judgment of treason—to this being attached the condition that it should not come into force till three years after the succession of the House of Hanover. One enactment of the bill was in the interest of common humanity: the application of torture, which had disgraced state trials in Scotland during the reigns of Charles II and James VII, was henceforth abolished. But this humane improvement did not make the measure more palatable to the indignant Scots. What they perceived was that one of their national laws had been abolished in the interests of England, and that another judicatory had been established whose forms were alien and distasteful[1]. It was in vain that the English Ministry accompanied the detested measure by an Act of Grace condoning all treasons committed before the 19th of April, 1709—the date of the Act[2]. A deep distrust and alarm had been provoked; and the enemies of the Union could triumphantly ask what security could Scotland now possess that other terms of the Treaty would not receive similar treatment[3]. The

[1] By the new law a Commission of Oyer and Terminer superseded the Scottish Court of Justiciary.

[2] Treasons committed at sea were excluded from this immunity.

[3] The history of the Bill is fully told by Burnet, who took an active part in the debates in the House of Lords and supported his countrymen (*Hist. of his own Time*, v. 389—398).

proceedings of the United Parliament during the next few years were not fitted to reassure the agitated nation.

It had been the bitter complaint of patriots like Fletcher of Saltoun that since the Union of the Crowns Scotland had been a mere dependency of England; but during the years that immediately followed the Union of the Parliament the same complaint could be raised with at least equal truth. Throughout these years every interest of Scotland was regarded and treated purely and simply with reference to the exigencies of political parties in England. There was not a class in Scotland which had not reason to complain of a breach of the Articles of Union, and to regret that it had ever been accomplished. Clergy, merchants, peers, all in succession had their own special grievances which they were powerless to redress, and from which the only escape, as it seemed, was the dissolution of that Union which had been the cause of all the mischief. To this end, indeed, converged the feelings of all classes in the country; and, had the reign of Anne continued for a few years longer, the chances were many that the Union would have been dissolved with the hearty consent of both peoples.

The Parliament which met in November, 1708, was prorogued in April, 1709; and there followed a revolution in English parties which determined the policy of the country to the close of the reign. The quarrel of Anne with the Duchess of Marlborough, and the passions let loose by the trial of Sacheverell created a situation necessitating a new election (1710), which resulted in the return of an overwhelming Tory majority. In Scotland, solely out of discontent with the Union, the constituencies, burghs and shires alike, declared with equal decision for the same party; and of the sixteen representative peers returned every one was a Tory. Supreme in the House of Commons, the Tory Ministry made itself equally supreme in the House of Lords by the simple process of creating twelve new peers of their own political party (1711). It was with this new Government that the

1710—11

interests of Scotland were to lie during the remaining years of the reign of Queen Anne.

The National Church was the first body to be disquieted by the conduct of the new Government. In 1709 an Episcopalian clergyman, named James Greenshields, settled in Edinburgh and drew around him a congregation of his own persuasion. As its numbers were largely composed of English who had settled in the town after the Union, he made use of the Anglican liturgy in his service. In the eyes of the ministers of the National Church this was a wanton defiance at once of their jurisdiction and the law of the land—an opinion in which they were supported by the civic authorities of the town. On Greenshields' refusing to desist from holding his service, the magistrates, at the instance of the Presbytery, enforced the prohibition; and, as he still continued obdurate, he was lodged in the Tolbooth. From his prison he appealed for redress to the Court of Session, and twice that Court confirmed the magistrates' order. Now, to the astonishment and dismay of the Established Church, Greenshields appealed to the House of Lords, which on the 1st of March, 1710, reversed the decision of the Court of Session. Here then was the jurisdiction of the Church, supposed to be for ever safeguarded by the Union, set at naught in its prime concern. Henceforth the limits of that jurisdiction would be determined not by the constitution of the National Church but by a House of Lords, of which Anglican bishops formed a component part. So the ministers naturally reasoned, and they were to have further proofs of the soundness of their conclusions.

In 1712 the Jacobite Lockhart and five associates of his own way of thinking were the instruments of introducing a bill into the House of Commons, which on the face of it was the product of the most enlightened statesmanship[1]. It was the famous Act of Toleration, expressly designed for the protection of Episcopacy in Scotland. Passed

1712

[1] Lockhart, *op. cit.* I. 378.

by large majorities in both Houses, it would have been an admirable measure but for the motives which prompted it. Lockhart, its chief author, frankly states his aim in introducing it: it was to convince the Presbyterian clergy "that the establishment of their kirk would in time be overturned, as it was obvious that the security thereof was not so thoroughly established by the Union as they imagined[1]." Nor can the English Tories who supported him be credited with more exalted motives. In 1711 they had at length succeeded in passing "their favourite measure," the Occasional Conformity Act, which ordained that every officer, civil or military, and every magistrate of a corporation, obliged by the Acts of Charles II's reign to receive the Sacrament, should pay a penalty of £40 and forfeit his appointment if he attended any religious meeting of Dissenters; and in 1714 the same party afterwards passed the Schism Act, which disabled Dissenters from maintaining schools for the education of their own children. Toleration was in truth a doctrine equally obnoxious to the main body of Presbyterians and Episcopalians both in Scotland and in England, and was only approved by the Church that happened to need it. If the Act of Toleration had been passed with the highest of motives, therefore, it would still have been unpalatable to the Presbyterians of Scotland. But it was the invasion of the Church's jurisdiction by an alien power that woke their deepest alarm. Moreover, there were other clauses in the Act which implied that, in the view of those who were responsible for it, the National Church was on precisely the same footing as the Episcopalian dissenters. Presbyterian and Episcopalian alike were commanded to pray for the Queen, and to take the oath of allegiance and abjuration—the last, as defined by the Act of Settlement, requiring that the sovereign should be an Episcopalian. Thus, in the opinion of its clergy, was the Church's spiritual independence assailed from another

[1] Lockhart, *op. cit.* I. 418.

side, since a compulsory oath was a constraining of conscience against which it had done battle since it came into existence.

1712 A few days after the passing of the Act of Toleration another blow was dealt at the privileges of the Church: on the 7th of April, 1712, an Act was passed restoring lay patronage, which had been abolished in 1690. Again the Church protested that this was a flagrant breach of the Act of Security, which had guaranteed all the Church's privileges as they existed at the time of the Union. It was fully perceived, also, that not consideration for the Church's welfare, but pure political expediency had prompted the legislators in their action. It would still further prejudice the Church against the Union and therefore against the succession of the House of Hanover, and at the same time materially weaken its political influence. Often in the past the ministers had by their influence over their congregations seriously hampered the policy of successive Governments; but in the future the majority of the lay patrons would see to it that no minister should be placed in a charge where he was likely to work mischief. Of the eventful history that was in store for the Act that had thus been passed neither Church nor legislators could dream; but what the Church did realise was the fact that, as things now went, the Act of Security was at the mercy of any strong Government that might see fit to over-ride it.

1711—12 But besides the Church, the nobility of Scotland were to have their turn of humiliation. In 1711 the Queen created the Duke of Hamilton a peer of Great Britain under the title of the Duke of Brandon; and, as in 1709 the Duke of Queensberry had been allowed to take his seat in the House of Lords as Duke of Dover, Hamilton naturally concluded that he could claim the same privilege. But to the indignation of the Scottish peers a majority of the House now maintained that Queensberry's case was no precedent, as it had never been the subject of formal debate and had never been definitely concluded. The majority further

urged that by the Treaty of Union sixteen Scottish peers only could have the privilege of voting in the House, and that no English title granted by the Crown could confer it. Behind these arguments, however, lay the true reason of the opposition: at any time the party in power might create such a number of Scottish peers as would give them a majority in the House. By fifty-seven to fifty-two the Lords resolved that no Scottish peer should by right of an English title become a member of their House[1], and that henceforward only the sixteen elected peers should represent the nobility of Scotland[2]. Not only by the Scottish peers themselves, but by the Scottish nation at large, the decision was regarded as another proof of the deliberate intention of England to construe the Treaty of Union to its own advantage.

The great inducement that had led many Scots to desire the Union had been the prospect of more favourable conditions of trade, but during the years that immediately followed its accomplishment the Scottish merchants were as bitterly dissatisfied as any class in the nation. The volume of trade, far from increasing as the result of the Union, had manifestly decreased. Nor had the legislation of the United Parliament been such as to convince the Scottish trading classes that England had a sincere desire for the equal prosperity of both countries. A bill introduced in the session of 1711, imposing a duty on the export of linen, was regarded by the Scots at once as an injustice and as an infringement of the Union. According to the fourteenth Article of the Treaty, taxation was

[1] The disability was not removed till 1782.

[2] Burnet, *op. cit.* VI. 80—4, 91—2, 97—8. As a protest against the resolution the Scottish peers determined to sit no longer in the House, but after a few days "by secret, forcible arguments" they were persuaded to return. "If that affair of the peerage then go against us," wrote the Earl of Mar, "I dread the consequence it will infallibly have. The Union depends on it," &c.--*Mar and Kellie Papers*, June 10, 1711. Yet Mar deserted his countrymen in the stand they made against the English peers.

to be imposed with strict regard to its general equity; but, in the case of this bill, the fact was ignored that linen was for Scotland what woollens were for England—its staple commodity of export[1]. When the Scottish members protested against the injustice, they were scornfully told by Harley, the Chancellor of the Exchequer, that when England gave them the Equivalent she had bought the right to tax them. Nor was this an isolated instance of English discouragement of Scottish enterprise. A bill introduced by the Scots proposed that timber for ship-building might be imported into England from Scotland as well as from America; but, before it became law, it was clogged with conditions that defeated the objects of its proposers[2]. In the case of another bill that would have favoured the linen manufacture of Ireland at the expense of the same manufacture in Scotland, the Scottish members gained an experience by which they would have done well to profit; by their united and determined opposition they succeeded in effectively blocking the measure[3].

1713

Scottish discontent with the Union, however, reached its climax when, on the eve of the Treaty of Utrecht (1713), it was proposed to levy an equal duty on malt in all the three countries. Again the Scots raised the cry that the tax was a flagrant breach of the Union, which had expressly stipulated that taxation should be imposed on general principles of equity. The barley raised in Scotland did not approach that of England in annual value; to levy an equal tax on malt in the case of both countries, therefore, would be an intolerable injustice. Moreover, a special Article in the Treaty had exempted Scotland from a Malt Tax during the continuance of the war with France, and, though peace was now imminent, it had not yet been concluded; and, finally, the Treaty had declared that Scotland was to be exempted from contributing to the expenses of the war, though the very terms

[1] Lockhart, *op. cit.* I. 326—8.
[2] *Ib.* pp. 332—3.
[3] *Ib.* pp. 328—332.

of the proposed Act expressly stated that the money raised from the tax was to be spent in meeting these expenses. In both Houses the Scots presented a united and resolute front against the measure, but for the first time English Whigs and Tories made a common cause against them[1]. With a secret assurance that Scotland would be exempted from its application, the bill was passed, so that in substance the Scottish members had gained their point, though as a concession and not as a right[2].

The discontent produced in connection with the Malt Tax, both among the Scottish members and their countrymen at home, brought to a head the long-gathering wrath against the Union as a transaction which could only issue in the ruin of the country. "The English," Mar had written at the close of 1711, "as most of the Scots are, seem to be weary of the Union[3]." In the case of England it was no secret that the chiefs of the Ministry, Harley and Bolingbroke, only waited the opportunity to declare for the Pretender; and that, so far as they with safety might, they were seeking to guide events to that end. With this end in view, it was understood, the Duke of Hamilton was appointed ambassador to Paris with the ostensible object of concluding the Peace of Utrecht, but at the same time with secret instructions regarding the exiled House—an object which was tragically frustrated by Hamilton's death in a duel with Lord Mohun. The granting of pensions to Highland chiefs to meet the expense of arming their clans could also be interpreted only in one way by Whigs and Tories alike[4]. If these were the dispositions of the English Ministers, in Scotland they could reckon on powerful support. When the hour for action came, the Highlands in general would

[1] "This was the first instance since the Union," writes Lockhart, "of a national disposition against Scotland."—*Op. cit.* I. 416.

[2] *Ib.* pp. 414—7; Burnet, *op. cit.* VI. 148—150.

[3] *Mar and Kellie Papers*, Dec. 27, 1711.

[4] Lockhart, *op. cit.* I. 377.

be at their back; and there were unmistakable signs that the Lowlands, both town and country, were becoming daily more restive under the existing condition of things. As the result of the legislation since the Union, there was not a class which was not groaning under some real or imaginary grievance. Where there was not a material grievance, sentiment was an equally powerful motive of disaffection, as was exemplified in an action of the Faculty of Advocates, who represented the class of the national gentry. The Duchess of Gordon, a Roman Catholic in religion and a Jacobite in politics, presented the Faculty with a silver medal, its one side figured with the image of the Pretender and the legend *Reddite*, the other with a map of the British Islands and the words *Cujus est?* By a majority of sixty-three to twelve the body accepted the treasonable gift, and it was only the threatened consequences of their action that constrained them to restore it to its donor.

1713 It was amid the indignation created by the Malt Tax that the Scottish members took the definite resolution of making an effort to undo the Treaty of Union. All parties among them were now united by common grievances; and for different reasons both Whigs and Tories desired the same immediate end. The Whigs had urged union mainly because it would ensure the Protestant succession; but, as public opinion was now tending, it seemed that this result was becoming every day more doubtful. On their part, the Tories were eager for its dissolution for the same reasons which had moved them in opposing its accomplishment: an independent Scottish Parliament, as they reckoned, was imperatively necessary in the interests of the exiled House. It was with these discrepant aims, therefore, that the Scottish members, peers and commoners, Whigs and Tories, now joined hands in a common effort to demolish the Union. The motion for dissolution, it was agreed, should first be submitted to the House of Lords, where it was likely to meet with least opposition; and by a curious irony the man who undertook to propose it

was the Chancellor Seafield (now Earl of Findlater), who had been one of the chief instruments in effecting the Union. The Union, he told the House, had failed in the chief object for which it had been intended. Far from becoming more united in interests and affections, the two nations had become more and more estranged every day since the Treaty of Union had been in force. Scotland, on her part, complained that its Articles had been systematically disregarded in the interests of England, and that she had no guarantee that this treatment would be discontinued. In the interests of both countries, therefore, he urged the dissolution of a Union which had failed in its object, and in the end could only be disastrous to both. When the vote on the motion was taken, fifty-four Lords were found on either side; but of the proxies thirteen gave their votes for the motion and seventeen against it[1].

Had the motion been carried, its supporters were fully aware that a grave situation would have been created. "If we saw a possibility of getting free of the Union without a civil war," Mar had written in January, 1712, "we would have some comfort, but that I am afraid is impossible[2]." The day of the dissolution of the Union would have revealed to Whig and Tory the essential antagonism of their respective ends; and the result could hardly have been other than Mar anticipated. The issue would have again been joined between Protestantism on the one hand, and Roman Catholicism on the other, for in this light the conflict would have been regarded by all Presbyterian Scotland. By the death of Queen Anne on the 1st of August, 1714, a new situation was created which averted what seemed an impending disaster, and eventually reduced Jacobitism to a sentiment and a dream.

[1] The irony of the situation is shown by the fact that the Whig Lords supported Seafield's motion and the Tories opposed it.

[2] *Mar and Kellie Papers*, Jan. 17, 1712.

CHAPTER IV.

GEORGE I, 1714—1727.

GEORGE II, 1727—1760.

The Rising of 1715.

The immediate consequences of the death of Anne (August 1, 1714) were fraught with surprise to all parties in the United Kingdom[1]. Had she lived six weeks longer, according to Bolingbroke, the restoration of the Stewarts would have been assured; and the relative numbers and resources of Whig and Jacobite at her death justified the confident assertion. Both in England and Scotland, the majority of the Tories regarded the son of James VII as their rightful king, and were prepared to accept him as such should events so dispose. Moreover, though the death of Anne had disconcerted the schemes of Bolingbroke and his Jacobite allies, measures had been taken during the preceding four years with the express purpose of determining events in favour of the Stewart prince. Court appointments were mainly in the hands of sympathisers with the exiled House; the army was officered by Jacobites; and the strong places on or near the coast (Berwick and Edinburgh among them) were put in similar safe keeping[2]. In the Highlands, we have seen, large sums

[1] Lord Morley tells us that "a Whig of this generation" described the accession of the House of Hanover as "the greatest miracle in our history."—*Life of Walpole* (Lond. 1890), p. 40.

[2] Mahon, *Hist. of England from the Peace of Utrecht to the Peace of Aix-la-Chapelle* (Lond. 1836), I. 76—8.

had been systematically distributed among the clans who fully understood the ultimate object of the Government's generosity[1]. Yet, as the event immediately and conclusively proved, there had been wanting to all these measures the soul and purpose requisite to give them effect when the decisive moment came. The late Queen had not been dead many days before the nation was convinced that a Stewart restoration was as remote a contingency as ever, and that the principles of the Revolution were to receive their final sanction by the accession of a king whose essential claim to the throne was that he was a Protestant by birth and conviction. In this unexpected issue all good Whigs could endorse the sentiment of the Dowager Countess of Stair, expressed in a letter to her son: "I wrote to you since this surprising show of Providence happened, which is certainly the ground of high praise to God[2]."

The circumstances that attended the proclamation of George I in the capital of Scotland were as encouraging to the Hanoverian party as they were disconcerting to the Jacobites. "I have seen nothing like it but the happy Revolution," writes Wodrow; and he significantly adds that "the Jacobites seem to be thunder-struck and many of them are laying about[3]." The proclamation took place on the 5th of August amid a concourse of nobility and gentry which struck dismay into the Jacobites, who, only a week before, had been full of sanguine hope of a far different issue. After a day spent in the solemnities of the proclamation, the evening was made gay with ringing of bells, illuminations, the discharge of guns from the Castle, and "other demonstrations of extraordinary joy[4]." On the following night the

1714

[1] *Parliamentary History*, VI. 1275.

[2] Murray Graham, *Annals and Correspondence of the Viscount and the First and Second Earls of Stair* (Edin. and Lond. 1875), I. 253.

[3] Wodrow, *Correspondence* (Edin. 1843), I. 563.

[4] Rae, *The History of the Late Rebellion raised against his Majesty King George* (Dumfries, 1718), pp. 61—3. Rae was present in Edinburgh on the day of the proclamation.

auspicious occasion was further signalised by a magnificent ball given in Holyrood by the Duchess of Argyle, who in the exuberance of her loyalty danced a reel with Baillie John Campbell, a Highland spy, and Robert Campbell, "a scrubb writer" (solicitor)[1]. Nor in the country at large was there much overt suggestion that the nation was not all of one mind. While in England, on the Queen's death, there were riots in several of the leading towns, in Scotland such ebullitions were confined to Aberdeen, a stronghold of Jacobitism, and Glasgow, where an Episcopalian Church was demolished by a mob, prompted (it was alleged) by the Episcopalians themselves, "to throw dirt on the Presbyterians[2]."

But under this apparent calm, as the whole nation knew, there was a wide-spread unrest charged with the gravest possibilities for the future. Before the accession of George there had been Jacobite manifestations in different parts of the country, which implied a measure of strength and confidence that might at any moment assert itself with formidable effect against the new Government. In the capital itself the Jacobites were so numerous that it was deemed necessary to take precautions for the security of the Castle and to summon troops from Dundee and other towns where they happened to be quartered[3]. In the western counties there were districts, notably in Ayrshire and Dumfriesshire, where the loyalists deemed it prudent to form plans of common action in the event of any movement hostile to the Government[4]. But it was the state of the Highlands that gave the greatest cause for uneasiness to all who were favourably disposed to the new *régime*. So early as February (1714), Wodrow was perturbed in his quiet study at Eastwood, near Glasgow, by rumours of threatening move-

[1] *MSS. of the Duke of Atholl, Hist. MSS. Com.*, Twelfth Report, Part VIII. 66.

[2] *MSS. of Duke of Portland, Hist. MSS. Com.*, V. 494.

[3] Rae, *op. cit.* p. 63.

[4] George Charles, *Transactions in Scotland* (Edin. 1818), pp. 16 et seq.

ments among the clans. At recent burials of chiefs there had been gatherings of thousands of armed Highlanders, which could only bode impending mischief; within a march of two days and a half from Glasgow there were upwards of a thousand armed Papists prepared at any moment to fall upon that town. In May, Wodrow was informed that the clans were actually in arms, and that the Marquis of Huntly had joined them; and his conclusion was that "all honest men should be on their guard[1]."

These menacing indications could not be ignored by the Lords Justices who were entrusted with the regency till the arrival of George in his new kingdom. On the 15th of September a reward of £100,000 sterling was offered for the seizure of the Pretender's person should he land in any part of Great Britain. In the same month half-pay officers, mainly belonging to Scottish regiments, were sent down to Scotland to drill the militia under the direction of the Commander-in-Chief, Major-General Whitham. The appearance of an armed body of Highlanders at Inverlochy, dispersed by a detachment from Fort William, led to still more decisive measures. The most important of the suspected Jacobites were placed under surveillance—the Duke of Gordon in Edinburgh and the Marquis of Huntly in his own house, while the Duke of Atholl was ordered to take up his residence in his Castle of Blair to ensure the peace of the neighbouring country[2]. Finally, in December a Commission of Police was appointed for the discharge of the miscellaneous duties which had formerly fallen to the Scottish Privy Council—the maintenance of peace, the superintendence of trade and commerce, and the general supervision of all the interests of the nation. By the close of the year these measures had apparently been so effectual that on the last of December Duncan Forbes could write to a correspondent that "there

1714

[1] Wodrow, *Correspondence*, I. 545, 557—8.
[2] Rae, *op. cit.* pp. 77—9.

is not so much as a whisper of any project, Whig or Tory, further than that of the elections for the ensuing Parliament[1]."

1715

The elections took place in February, 1715. It was to the disadvantage of the Whigs that there were two sets of adversaries with whom they had to reckon in the contest. There were the Jacobites, whose numbers in the country districts were nearly equal to their own; and there was another section formidable both in town and country, and with no Jacobite sympathies but convinced that now was the opportunity for dissolving the Union which was the abiding cause of all Scotland's ills. The result of the elections, both in England and Scotland, proved that the mass of the two peoples had resolved for the time at least to give their support to the government of George I. To the House of Commons Scotland returned an overwhelming Whig majority; and the list of representative peers designated by the King's advisers were chosen to a man. The Parliament thus elected passed soon afterwards the famous Septennial Act (1716), which prolonged its powers for seven years; and its appointed work was to give permanence and security at once to the Union and to the Hanoverian dynasty.

1715

Though the two nations had thus unequivocally given their sanction to the new Government, it was becoming every day more evident that the Jacobites would not be content to remain supine under their defeat. "The vanity, insolence, arrogance, and madness of the Jacobites," writes a correspondent to John Forbes of Culloden in February, "is beyond all measure insupportable. I believe they must be let blood." And he proceeds to say that Edinburgh is swarming with Papists and Jacobites, and that saddles are being manufactured in the same town for the use of dragoons to serve the Pretender[2]. In March the same correspondent writes that the Pretender is expected every moment, and that his friends

[1] *Culloden Papers* (Lond. 1815), p. 34.
[2] *Ib.* p. 37.

are all ready[1]. During the spring and summer it became apparent that some action in favour of the exiled House was seriously intended. In July the state of things in both countries became so menacing that on the 20th of that month the King formally announced to the House of Commons that the country was in danger and that preparations were necessary to avert it. There was an enthusiastic response on the part both of Lords and Commons; the Habeas Corpus Act and the Scottish Act[2] corresponding to it were suspended, and the offer of £100,000 for the person of the Pretender was renewed. Against invasion the fleet and army were put on a war footing: twenty-one regiments were raised, and the train-bands ordered to be in readiness for emergencies[3].

In the case of Scotland the alarm of the Government was speedily justified. On the 2nd of August John, Earl of Mar, started from London on his portentous journey northwards with the deliberate purpose of setting Scotland aflame with civil war. As his sobriquet "Bobbing John" implies, Mar was regarded by his contemporaries of all parties as pre-eminent for his versatility even in that versatile age. He had been a Privy Councillor under King William; he had been an ardent adherent of Queensberry in the reign of Anne, had deserted him and rejoined him; he was, as we have seen, one of the principal agents in effecting the Union, but had soon changed his mind and professed to regret his action. As he himself tells us, he had been in communication with the Pretender for four years before the death of Anne[4]; and yet, as we shall see, none was more

1715

[1] *Culloden Papers* (Lond. 1815), p. 42.

[2] An Act for preventing wrongous imprisonment and against undue delays in Trials, passed by the Scottish Parliament in 1701. See above, pp. 41—2.

[3] Tindal, *Continuation of Rapin's Hist. of England* (Lond. 1746), XXVI. 76—7.

[4] *The Earl of Mar's Legacies to Scotland and to his Son* (*Lord Erskine*) (Miscell. of Scot. Hist. Soc. 1896), p. 163.

enthusiastic in the expression of his loyalty at the accession of the Hanoverian King. Yet it is not for his versatility that Mar mainly deserves reprobation on the page of history; the rapidity with which he changed sides is not unparalleled in the case of statesmen either north or south of the Tweed. The crime for which he must be arraigned is that out of mere vindictiveness and disappointed ambition he kindled civil war for a cause which, as his action both before and after it proved, was rooted in his heart neither by sentiment nor conviction. During the crisis that followed the death of Anne it is apparent, alike from his public and private utterances, that he meant to accept the House of Hanover if he could be sure of George's favour. "God direct the people of our country to behave themselves right, and to prevent making it a field of blood and confusion[1]," he wrote (July 31, 1714) to his brother Lord Grange —words which in the following year were to receive a notable commentary in his own action. On August 30 he addressed a letter to George, while still in Holland, in which he expressed his humble devotion and loyalty; and to emphasise the importance of his homage he procured a document, subscribed by leading Highland chiefs and equally charged with loyal sentiments, which however George refused to receive[2]. George was, in fact, as Mar well knew, fully informed of his devious past, and, in keeping with his general policy of excluding all suspected persons from his service, deprived him of the Secretaryship of State, which was given to the Duke of Montrose. It was a still more insulting rebuff that he was removed from the hereditary custody of Stirling Castle, a charge, which he told the Duke of Montrose, had been in his family for "hundreds of years[3]." Even this insult he received with

[1] *Mar and Kellie Papers*, p. 505.

[2] The letters are given by Rae (*op. cit.* pp. 85—7), but the date (Aug. 30) is possibly an error. Mar procured the letter of the Highland chiefs through his brother, Lord Grange (*Mar and Kellie Papers*, p. 509).

[3] *Mar and Kellie Papers*, p. 510.

apparent humility: it was his duty, he wrote, "to submit to the King's pleasure." But he had received these rebuffs in no chastened spirit; and, within a year, he was deep in the counsels of the House of Stewart and its friends.

If we are to accept Mar's own word, it was "by the King's (Pretender's) repeated orders" that he engaged in an enterprise of which he himself had little hope from the beginning[1]. Embarking in a coal-sloop in the disguise of a workman, and accompanied only by Major-General Hamilton, Colonel Hay, and two domestics, he landed at Elie on the coast of Fife after a voyage of eight days. The people of Fife were, as in the previous century, thoroughly Presbyterian and therefore Hanoverian in their sympathies, while the country gentlemen (the representative of Hackston of Rathillet among them) were generally inclined to the Stewarts[2]. In Fife, as throughout Scotland generally, Mar had carefully prepared the ground before his arrival; and he was soon in communication with every Jacobite of importance in that county. His first object was to bring together such a body of representative persons as would enable him to organise a plan of campaign. A long-standing custom in the Highlands supplied a convenient opportunity of attaining this end. When the chiefs had any questionable enterprise in hand, it was their custom to organise a great hunt, known as the Tinchal, and under the colour of this sport to assemble at some appointed spot and come to a mutual understanding. During the previous year many such huntings had been arranged; and the summons was now issued for a similar gathering at Aboyne in Mar's own country on the 26th of August. The concourse that met on the appointed day was fitted to encourage the hope that they were engaged in no desperate adventure, for among those who responded to the

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[1] *Mar's Legacies*, p. 163; Berwick, *Memoirs*, p. 246; *Stuart Papers* (Hist. MSS. Com.), I. 520—5. Cf. W. C. Mackenzie, *Simon Fraser, Lord Lovat, His Life and Times* (Lond. 1908), p. 233.

[2] Wodrow, *Correspondence*, II. 85.

summons were the Marquis of Huntly, eldest son of the Duke of Gordon, the Marquis of Tullibardine, eldest son of the Duke of Atholl, and the Earls of Nithsdale, Marischal, Traquair, Errol, Southesk, Carnwath, Seaforth, and Linlithgow. Presenting such credentials as he possessed from the Pretender[1], Mar, whose gift of persuasive speech was his chief qualification for the enterprise in hand, wrought so effectually on his audience that it was unanimously decided to raise the standard for James VIII on the 7th of September ensuing.

Fully aware of all these doings, the Government took prompt measures to defeat them. Its first step was to pass an Act (August 30) designated with unconscious irony as "An Act for encouraging loyalty in Scotland," and commonly known as the "Clan Act." By the terms of this Act every Crown vassal was to forfeit his estates if found guilty of treasonable correspondence with the Pretender; if the sub-tenants of such guilty vassals remained loyal, they were to sit rent-free for two years after the attainder of their superiors, while, on the other hand, if the tenants were the guilty parties, their lands and possessions were to revert to the superiors of whom they were held. Another clause in the Act effectually precluded a subterfuge of which Scottish proprietors had often availed themselves in the past: entails and settlements in favour of children or other heirs were made void from the 1st of August, 1715, for all time coming. The Clan Act is, in truth, one of the landmarks in the history of Scotland. The kings of Scots had known to their cost how lightly their great vassals had defied their authority at the head of a host of retainers who were ever ready at their beck and call. Moreover, by the Treaty of Union the feudal jurisdictions of the Scottish barons had been carefully safeguarded for all future time. But with the terrors of the new Act before him every lord would seriously reckon the cost

[1] As yet he had no official commission, but in his Legacy to his son he says that it was by the Chevalier's "express and repeated orders" that he had gone to Scotland.—*Mar's Legacies*, pp. 163—4.

of abjuring his allegiance to the existing Government. Thus far the Clan Act was in the interest both of the present and the future; in the case of a further clause its wisdom was not justified by the event. By this clause the Crown was empowered to summon all suspected persons to appear in Edinburgh on a given day under pain of forfeiture, a year's imprisonment, and a fine of £500. About sixty persons throughout the Highlands and Lowlands were promptly summoned, but of the list only two appeared—Sir Alexander Erskine, the Lyon King-of-Arms, and Sir Patrick Murray of Ochtertyre; and the result of the ill-advised measure was that those already in rebellion were confirmed in their courses and the wavering driven to join them[1].

The two nations were now face to face with the arbitrament which had been foreboded since the beginning of the reign. What were the ruling principles and passions that had cleft both peoples in twain, and what were the respective strength and weakness of the parties now about to close in internecine strife? The outbreaks of 1715 and 1745, it has been said, are to be regarded simply as "the last struggle of barbarism against civilisation" in our country[2]. So far as the mass of the Highlanders who engaged in the rebellion was concerned, the remark undoubtedly contains a large measure of truth. For them either rising was merely a raid into the Lowlands on a larger scale than usual, which might result in proportionally greater spoil, but which once achieved would leave their modes of life precisely what they had been. As an explanation of the collective Jacobite movement in both countries, however, the explanation is obviously inadequate. In his Essay on the Protestant succession, published three years before the rebellion of 1745, Hume expresses the opinion that an "impartial patriot" in the reign of Anne might well have been puzzled to decide

[1] *Memoirs of the Insurrection in Scotland in* 1715, *by John, Master of Sinclair* (Abbotsford Club, 1857), p. 36.

[2] Buckle, *Hist. of Civilization in England* (Lond. 1873), III. 157.

whether a Stewart or a Hanoverian succession was in the best interests of his country. In favour of the Stewart there was a "succession clear and undisputed, free from a pretender, with such a specious title as that of blood"—an argument, he adds, the most easily comprehended by the mass of a people. The advantage of a Hanoverian succession, on the other hand, lay precisely in the fact that it violated the claim of hereditary right and would bind King and people reciprocally to each other. Impartial patriots, such as Hume imagined, are rare in every age; yet, as the literature of the time proves, these respective arguments were fully present to judicious minds in both parties. So long as a representative of the House of Stewart remained —such was the contention of Tory and Jacobite—a stable, permanent Government was an impossibility[1]; and the experiences of the reign of Anne were a sufficiently cogent support of their contention. More convincing, as events proved, however, because based on a wider induction, was the argument of the Hanoverians that the interests of a free and Protestant country could not be safe in the hands of a Stewart and Roman Catholic King. The governing fact, indeed, in the great issue between the two parties was that the Pretender had been reared in the Catholic religion, and conscientiously refused to abjure it, even to gain the throne of his ancestors[2]. Since the accession of the Stewarts to the Crown of the three kingdoms, the dread of a restoration of Catholicism had been a dominating political motive in England and Scotland alike; and it was the persistence of this dread that was the main source of strength to the Hanoverian party. Further, the religion of the exiled prince created a fatal cleavage among his own supporters, the

[1] The refrain of the Jacobite song, "There'll never be peace till Jamie come hame," thus expressed both logic and sentiment.

[2] It was Walpole's permanent conviction as a public man that the Pretender might at any time have gained his father's throne had he declared himself a Protestant.

great majority of whom were firmly attached to some form of Protestantism, and could only regard with dubious confidence the advent of a king who was bound by his own convictions to repeat the fatal policy of his father.

In a crisis such as was now upon the nation, passion and sentiment are more potent motives than enlightened reason; and the course of events since the Revolution had been such as to evoke sentiment and passion in intensest degree. Among men and women[1] of a certain type loyalty to the exiled House was a sentiment that over-rode every other consideration, and undoubtedly gave the chief momentum to the Jacobite cause in both countries. What romantic loyalty was to the rank and file of the Jacobites, attachment to the Protestant religion was to the common multitude of the Whigs—a sentiment, as history proves, the mightiest to influence and impel men to self-sacrificing action. But while the mass of both parties were mainly influenced by these simple motives, in their leaders are found all the mingled passions evoked by momentous contingencies in human affairs. On the side of the Jacobites, Mar was only the most prominent example of a type of men, who, as the squalid history of the exiled court lamentably shows, had adopted the Stewart cause for the simple reason that no other course was open to them. Nor were motives of self-interest absent in determining the adhesion of the Whig chiefs to the House of Hanover: even their most eminent leader in Scotland, the Duke of Argyle, when his fortunes were low at the Court of George, had thoughts that he might improve them in another quarter. Personal animosities between the chiefs of the rival parties were a further aggravating cause which tended to produce the cleavage in the nation at large. In making a clean sweep of every Tory from his Government[2], George only acted as

[1] In Addison's *Freeholder* we have a remarkable testimony to the influence of women in promoting the Jacobite cause.

[2] With the exception of the Earl of Nottingham.

the exigencies of the moment imperiously dictated, since, apart from their conflicting ideas regarding the interests of the nation, men who had stood in such relations to each other as the Whig and Tory statesmen of the last years of Anne could never have worked together towards a common policy[1]. Nevertheless the exclusion of the Tories from all share in the Government was one of the decisive facts in the situation; a party debarred for an indefinite period from all share in the councils of the nation could hardly remain loyally disposed to a *régime*, the existence of which depended on this condition.

From the outbreak of the Civil War the keenest observers on both sides were convinced that the rebellion would prove futile. Bolingbroke, now the Secretary of the Pretender, and Mar himself both held this opinion; and such Whigs as the Earl of Stair were equally confident of what must be its issue. To the majority of the people of Scotland, however, the result appeared by no means so certain. The mass of the Highlanders, it was supposed, would be on the side of the exiled House; and the achievements of Montrose and Dundee were a vivid memory in the national mind. In the Lowlands, moreover, it was the general conviction that the Jacobites had the advantage in numbers; and, if Lowlander and Highlander could concentrate their forces under efficient conduct, the Government might have the worst to fear. On the other hand, it was reasoned that the Highlanders were incapable of united action beyond a brief period; and that the Jacobites in the Lowlands, confined as they were to special districts, could be effectually kept in check by the constituted authorities. To the south of the Forth the Presbyterian ministers were almost to a man staunch for the Government[2], and their influence with

[1] This is the opinion of such different authorities as Lord Morley (*Walpole*, p. 41) and Ranke (*History of England, principally in the 17th Century*, Oxford, 1875, v. 362).

[2] On May 4th, 1715, the General Assembly had deposed two ministers because they refused to pray for King George.—Wodrow, *Correspondence*, I. 33.

their parishioners, as the event proved, was more powerful than that of the Jacobite lairds. Above all, with the leading exceptions of Dundee, Aberdeen, and Elgin, the towns were steadfastly loyal and were prepared to do their utmost in support of the existing Government. It was with these conflicting hopes and fears that the nation awaited the momentous issue which was to determine its political and religious destiny.

On September 6 Mar, attended by some sixty men, raised his standard at Castleton in Braemar[1], and formally proclaimed James III and VIII as King of Great Britain and Ireland. As in the case of the rearing of Charles I's standard at Nottingham, a circumstance of ill omen attended the event: the gilt ball that surmounted the standard spear fell to the ground. The die was now cast, and Mar proceeded to take steps for the execution of the enterprise. The Fiery Cross, the ancient symbol that summoned the clansmen to attend their chiefs in war, was dispatched through the districts that were friendly to the cause. More modern means of rousing the country were not neglected. A letter to the gentlemen of Perthshire, through which the march southwards must lie, commanded them in King James' name to raise their dependants, to disarm the disloyal in their neighbourhood, and (a needful warning) to restrain their followers from plundering and living at free quarters. On the 8th of September Mar issued a Declaration, couched in the inflated style in which he was an adept, wherein he denounced all the ills from which the country was suffering and promised every blessing from the restoration of the rightful king[2]. A letter he at the same time addressed to the baillie of his own lordship of Kildrummie signally illustrates the powers which the Scottish barons exerted over their inferiors. "Particularly," he wrote, "let my own tenants in Kildrummy know that, if they come not forth with

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[1] On the site now occupied by the Invercauld Arms Hotel.

[2] Rae, *op. cit.* pp. 192—3.

their best arms, I will send a party immediately to burn what they shall miss taking from them; and they may believe this not only a threat, but, by all that's sacred, I'll put it in execution, let my loss be what it will[1]." Finally in an elaborate manifesto, issued in the name of himself and his associates, and printed by Robert Frebairn in Edinburgh, he set forth the reasons of his undertaking, and concluded with the alluring promise that every footman who joined the cause should receive twenty shillings sterling, and every horseman twelve pounds sterling—inclusive of their pay[2].

Meanwhile there were indications that the enterprise was to receive substantial support. The clan Mackintosh, the first to respond to Mar's appeal, sent a detachment of 500 men under the command of Mackintosh of Borlum, who gave immediate proof of the vigour he was to show throughout the campaign by capturing the important town of Inverness. At Aberdeen, Brechin, and Dundee, in all of which towns the sympathies of the majority were with the exiled House, the Pretender was proclaimed by the territorial magnates in their neighbourhood. By the middle of September Mar was in a position to begin his march southward, and, gaining numbers as he went, he proceeded by way of Moulin and Logierait to Dunkeld where he received a further reinforcement of some 4000 men from Atholl and Breadalbane[3]. The luckiest stroke in the campaign enabled him to march still further into the heart of the country. By his orders, Colonel John Hay, brother of the Earl of Kinnoull, seized the town of Perth, which Mar himself occupied on the 28th. The possession of Perth, which was henceforth to be the head-quarters of the rebel army, was at once a source of prestige and a substantial gain. As the event proved, it gave Mar the command of the north-eastern Lowlands, and the seaboard north of Dundee, and effectually prevented a junction between the loyal forces of the north and the south.

[1] Ray, *op. cit.* pp. 193—4.
[2] *Ib.* pp. 194—8.
[3] The numbers are variously given.

While Mar was engaged in what appeared to be a triumphant progress, an attempt was made in another part of the kingdom which, if it had been successful, would have gone far to decide the issue of the contest. It had been the hope of Mar to gain possession of the Castles of Dunbarton, Stirling, and Edinburgh at the outset of the campaign—achievements which would have been worth many victories in the field[1]. As it happened, the attempt was made only in the case of Edinburgh. The principal agent in the adventure was James, Lord Drummond, son of the titular Duke of Perth, Chancellor of James VII, and a Roman Catholic. A sergeant in the Castle, one William Ainslie, was gained over, and a plan of surprise was arranged which, but for a series of accidents, had every chance of success. On the night of the 8th of September a rope was to be dropped near the sally-port to the west of the Castle; a scaling party was to ascend the walls, and, in the event of success, three rounds of artillery were to be the signal for the news to be communicated to Mar who should immediately march on the capital. About a hundred men, mainly Highlanders, had been secured by Drummond to carry through the operations. Among the conspirators was one Arthur, who in an unlucky moment communicated the plot to his brother, a Dr Arthur, who had but lately adopted Jacobite sentiments. As a recent convert, the Doctor appears to have had qualms of conscience regarding the enterprise, and displayed such signs of inward perturbation as to draw the attention of his wife, to whom in conjugal confidence he revealed his secret. Mrs Arthur, who did not share her husband's opinions, promptly in an anonymous letter communicated the intelligence to Sir Adam Cockburn of Ormiston, Lord Justice-Clerk, the most zealous of Whigs. As promptly, Cockburn sent his information to the Deputy-Governor of the Castle, Lieutenant-Colonel Stewart,

[1] Mémoires du Maréchal de Berwick, *Collections des Mémoires relatifs à l'Histoire de France* (Paris, 1828), Tome LXVI. p. 230; Wodrow, *op. cit.* II. 74.

though his letter did not reach its destination till eleven o'clock at night. By that hour the adventurers should have been ready for their work; but, as was the common saying of the time, "wine and women" were ever the bane of the Jacobite cause. The younger members of the band had spent the evening in a tavern; and it was two hours after the appointed time when the party assembled under the walls of the Castle. They had still a brief space in which to carry out their adventure; the sentinel on whom they depended was in readiness; and the Commander of the Castle, either from remissness or treachery, had neglected to take the precautions suggested by Cockburn's letter. But even at the last moment fortune continued to banter them. The rope-ladder at their disposal was found to be too short; and in the midst of their embarrassment came the hour for the change of the watch. A shot from one of the sentinels announced to them that the game was up; and in a general scramble the party made off, leaving behind them four wounded companions who were taken by the Town-Guard which had just appeared upon the scene. Thus miscarried what Wodrow calls this "most dreadful design," which, if it had succeeded, would have put the rebels in possession of the most important stronghold in the kingdom, of the military stores intended for the royal army and of the £60,000, known as the Equivalent, which had been allocated to Scotland at the Treaty of Union and which had lain unused in the Castle ever since.

Even before Mar had raised his standard, however, an event had happened which the more discerning friends of the House of Stewart regarded as the knell of its cause. Louis XIV, "the best friend," according to Bolingbroke, "the Chevalier ever had," died on the 1st of September. By the Peace of Utrecht Louis had bound himself to recognise the House of Hanover; but his interests and inclinations must, in the opinion of all parties, have constrained him sooner or later to support a Stewart restoration. As things went in France after his death,

all hope of aid from that country was effectually cut off throughout the whole period of Mar's adventure. The Regent Orleans, who was charged with the government during the minority of Louis XV, found it his pressing interest to conciliate England, and, so far from being disposed to lend assistance to her rebels, was constrained to put every obstacle in their way. Through the vigilance of the Earl of Stair it was discovered that vessels equipped with men and arms, intended to support the cause of the Pretender, were assembled at Havre and other ports on the coast of France; but at Stair's imperious request Orleans gave orders that every vessel should put on shore its armed men and munitions of war. So effective was Orleans' intervention that during the whole period of the rebellion Bolingbroke was unable to send "one single musket" to Scotland[1].

In spite of the inherent weakness of the Jacobite cause, the existing situation demanded immediate and strenuous action on the part of the Government. No more than in the case of the invasion of 1708, however, was the Government in a position to crush the enemy immediately with an overwhelming force. An army of 8000 men, of whom 1500 were quartered in Scotland, made up the complement at its disposal in the present crisis. Fortunately the principal towns south of the Forth gave decisive proof that they were prepared to exert themselves to the utmost in behalf of the existing Government. In Edinburgh, Glasgow, and Dumfries associations of volunteers were formed; and constant communications were established between them, which kept them instructed as to their own and the enemy's movements. In the country districts similar associations were set on foot—the Presbyterian ministers of all shades of opinion sedulously urging their parishioners to join them. With such regular

[1] Fragment of a Memoir of Field-Marshal James Keith, written by himself (Spalding Club, 1843), p. 13. Patten states, however, that a small ship, freighted with ammunition, did reach Arbroath in safety.—*Hist. of the Rebellion in* 1715 (Lond. 1745), p. 142.

troops as were at his disposal, General Whetham, the Commander-in-Chief in Scotland, took up his position in the Park at Stirling—an important movement, as it gave him the command of the main passages across the river Forth and prevented the junction of the southern and northern rebels.

But a more distinguished and influential commander than Whetham was needed to rally and concentrate the forces of royalty in Scotland. To fill that post there was but one public man who possessed the requisite advantages and qualifications —John, Duke of Argyle, who had played such an important part in effecting the Treaty of Union. One of the great potentates of the Highlands, he had distinguished himself under Marlborough in Flanders and was accounted the third British general of the time. The only fear that his appointment inspired was that his natural impetuosity might lead him to despise the enemy and to engage in hazardous actions. In point of fact, "though a young man full of fire," he was to conduct the campaign like "an old wary general[1]." Other Scottish peers who showed themselves zealous for the Government were the Duke of Roxburgh, the Marquises of Annandale and Tweeddale, and the Earls of Selkirk, Loudoun, Rothes, Haddington, and Forfar. Of these, however, some were members of the Squadrone, and all through the crisis refused to co-operate heartily with the Commander-in-Chief.

On the 14th of September, a fortnight before Mar occupied Perth, Argyle arrived in Edinburgh, bringing with him, however, no addition to the forces already in the country. On the 17th he reached Stirling, where he reviewed the army at his disposal, amounting in all to 1840 men, a number which by additions from the regular troops and volunteers from Glasgow and other towns was gradually increased to nearly 4000. Before the end of September, also, the Earl of Sutherland was zealously mustering the men of his country—a service, as it proved, of

[1] *Memoirs of the Master of Sinclair*, p. 94.

the first importance, since it occupied the rebels in the North and was one of the causes alleged by Mar for his hesitation to cross the Forth.

Meanwhile Mar in his quarters at Perth had been daily strengthening his position. With the assistance of an ingenious dancing-master, he made an attempt at fortifying the town[1], and procured some pieces of ordnance from Dundee where Jacobite magistrates were now in the ascendant[2]. During the month of October his numbers were increased to above 12,000 men, chiefly by the contingents of the Marquis of Huntly, the Earl of Seaforth, and the Earl Marischal[3]. Further to strengthen his hands he had, on the day he entered Perth, received a formal commission from the Pretender appointing him General and Commander-in-Chief of the army in Scotland[4]. But the supreme difficulty Mar had to face was to hold together a host mainly composed of such materials as the Highlanders. In three events, it was said by one of the rebel officers, would they promptly desert in a body: if they were not speedily brought into action, if victory brought them booty, and if they chanced to be beaten[5]. There was but one method by which he could secure their service for any length of time—by supplying them with regular and liberal pay; and to procure the means of doing so he resorted to the only course open to him. By a peremptory order, issued on October 4, he commanded all landowners within the districts under his jurisdiction, which now included all the eastern counties from Fife to the

[1] Sinclair, *op. cit.* pp. 198—9.

[2] *Charters Relating to the Town of Dundee*, pp. 136 et seq.

[3] The numbers of men supplied by the various chiefs are variously given by the different contemporary authorities. In the *Mar and Kellie Papers* (p. 512) there is a list of the numbers under each leader (Oct. 13). The total is given at 917 horse and 2666 foot. Other authorities of the time put the numbers at a much higher figure.

[4] The Commission, dated 7th September, 1715, is given in the *Mar and Kellie Papers* (p. 511).

[5] Sinclair, *op. cit.* p. 26.

Moray Firth, to pay in twenty shillings sterling on every hundred pounds Scots of their rent by the 12th of October; should any fail to come forward with the prescribed sum, they were to be mulcted in forty shillings sterling at the same rate[1]. The towns that had acknowledged his authority were similarly taught that they had not found an easy master. The town of Aberdeen, for example, was enjoined (October 14) to supply 300 Lochaber axes and a six months' cess of £200. 10*s*. 9*d*. sterling; on the 20th of the same month, to pay a contribution of £2000, which the magistrates prayed to have reduced to £500; and on January 18, 1716, to raise a troop of 30 horse at the cost of 4000 pounds Scots[2].

The energies of Mar were not wholly absorbed in exacting supplies for his followers. One well-conceived venture, if it had succeeded, would materially have furthered his cause. This was the capture of Argyle's castle of Inverary, which, besides being well stored with arms, would have been a post from which to threaten Glasgow and the eastern Lowlands. Aware of the importance of the position, however, Argyle dispatched a company to Inverary under Colonel Campbell of Finab, who was subsequently joined by Lord Islay, the brother of Argyle[3]. On October 20 General Gordon, at the head of some 2000 men, appeared before the place, and twice made a feint of attack, but in the circumstances deemed it prudent to beat a retreat and rejoin the main army at Perth. Another enterprise was more fortunate and brought a temporary elation to the camp of the rebels. The hero of the exploit was the Master of Sinclair, the author of the *Memoirs of the Rising*, in which he takes the tone of the devil's advocate towards the cause which he had adopted. From a friend Sinclair had learned that a vessel, freighted with military stores and intended for the use of the Earl of Sutherland, was anchored at Burntis-

[1] Rae, *op. cit.* pp. 235—6.
[2] *Aberdeen Burgh Records* (1643—1747), pp. 353, 357, 360.
[3] Rae, *op. cit.* pp. 283—5; Patten, *op. cit.* p. 149.

land, on the coast of Fife. At nightfall, on the 2nd of October, Sinclair, at the head of 400 horsemen, each with a soldier behind him, made his way to the place by a circuitous path. Leaving the cavalry to guard the town, with his foot he seized the boats in the harbour, and in the darkness captured the desirable prize. Before daybreak next morning the adventurous troop was again in Perth and in possession of above 400 stand of arms[1].

But events were happening in other parts of the kingdom which called for actions of greater moment on the part of Mar and his host. Almost simultaneously, in the beginning of October, the standard of rebellion had been raised in England and in the southern counties of Scotland. On the 6th of that month Mr Forster, member for Northumberland, and a party of about twenty gentlemen assembled at Greenrig in that county with the express object of drawing the sword for the Pretender. Strengthened by the accession of the Earl of Derwentwater and other gentlemen of the same county, they attempted a series of petty exploits; but their cause found little support among the majority of the people. It was welcome news, therefore, when they heard that the Jacobites on the Scottish border had risen and were prepared to join forces with them at the earliest opportunity. On the 12th of October Viscount Kenmure drew a party together at Moffat, and on the following day made an attempt to surprise Dumfries. Apprised of his approach, however, the town made such a show of defence that he abandoned his purpose and retreated to Moffat, where he proclaimed the Pretender and set up his standard. Though joined by the Earls of Nithsdale, Carnwath, and Wintoun, his force did not amount to more than 200 horsemen; and,

[1] Rae, *op. cit.* p. 234; Sinclair, *op. cit.* pp. 95—102. "All these particulars," is Sinclair's characteristic comment on his own narrative, "I have mentioned, though about a thing of no consequence, to show the trouble one has with such fools, and how great a misfortune it is to be concerned with them."

as a step which prudence directed, he crossed the Border on the 18th of October and joined the English rebels at Rothbury.

It was the tidings of these movements that bestirred Mar to a bolder stroke than he had yet attempted. His plan was to dispatch a strong force across the Firth of Forth which, effecting a junction with the Jacobites of the south, should march upon Glasgow, and thus, in his own phrase, enclose Argyle at Stirling "in a hose-net." As affairs now stood with Mar, the enterprise was well within his resources. The army at his command was in such strength that he could safely spare a numerous detachment to co-operate with his allies on the Border; and he was master of all the sea-coast from the Firth of Forth to Cromarty. Mackintosh of Borlum, as one of his most experienced officers, was entrusted with the command of the expedition; and 2500 men were placed at his disposal. The transport of the troops across the Firth, at its broadest nineteen miles in width, was the first and most dangerous part of the enterprise. There were three vessels of war in the Roads of Leith; and Argyle, who had been informed of the project, gave orders for the seizure or destruction of every boat in the Firth. Along the seaboard to the north of the Firth, however, the necessary number of boats was readily procurable; and, as the rebels commanded the mainland of Fife, it was easy to place them at convenient stations at the fitting time. On the night of the 11th of October Mackintosh led his men to the coast, their movements being covered by a feigned display at Burntisland, and on that and the succeeding night he transported considerably more than half of his whole contingent to the coast of Lothian. Only one boat with forty men had been taken[1].

This daring feat accomplished with partial success, Mackintosh, if he had obeyed his commander's orders, should at

[1] Patten, *op. cit.* pp. 5—7; Rae, *op. cit.* pp. 258—9.

once have marched to join the rebels on the Borders. But Mackintosh conceived a bolder plan. Induced, as it appears, by invitations from Jacobites in Edinburgh, he decided to make an attempt on that town[1]. After a night's encampment at Haddington, where he had brought his men together, Mackintosh, on the morning of the 14th of October, directed his march towards the capital. But the news of the successful crossing of the Firth by the rebels had alarmed the authorities of the town. The train-bands, the City-guard, and the Associate Volunteers were posted at the different ports; and, about the very hour that Mackintosh left Haddington, an express was dispatched to Argyle at Stirling. So expeditious were Argyle's movements that with 200 foot and 300 picked dragoons he appeared at the West Port just as the enemy reached Jock's Lodge, about a mile to the east of the town. An immediate attack was now impossible; but, still in the hope that he would be joined by a body of Edinburgh Jacobites, Mackintosh marched to Leith, where the fort erected by Cromwell afforded him a temporary place of security. In the vessels in the harbour he found a convenient supply of powder and cannon, and he made all the preparations for a protracted siege. The following morning (October 15) Argyle, with his 500 men increased to 1100, presented himself before the fort and summoned it to surrender[2]. The answer was a mocking challenge that he should try his hand at taking it. With no guns at his disposal Argyle was incapable of making a successful attack, and withdrew with the intention of procuring the means of assault by the following day. But the situation of the rebels was full of peril; there had been no effort in their favour on

[1] The Duke of Berwick, one of the great masters of war at that time, describes Mackintosh's march on Edinburgh as "ce mauvais pas où il s'étoit embarqué ridiculement."—*Mémoires*, LVI. p. 248.

[2] Rae, *op. cit.* (p. 262, note), mentions that the ministers of Edinburgh distinguished themselves on this occasion, not only inciting their people to the defence of their town, but themselves joining the ranks with firelock and bayonet.

the part of their friends in Edinburgh; their escape by sea was precluded by the three war-vessels in the Forth; and the next day might see every outlet cut off by land. At nine o'clock at night, therefore, with all the silence needful, they deserted the fort, and, the tide being at ebb, crossed the sands of Leith, leaving behind them forty of their comrades who had partaken too freely of the brandy that had been procured in the town Custom-house. At Seton Palace, about twelve miles east of Edinburgh, they found other quarters, where, in spite of efforts to dislodge them, they remained till the 20th of October. But for the baffled troop there was now no alternative but to resume its original plan of action; and at Kelso, by a mutual understanding, Mackintosh joined forces with the combined body of the Northumberland and Dumfriesshire rebels on the 22nd of October[1].

The three contingents thus united amounted to about 600 horse and 1400 foot[2]. What was to be their future plan of action? There were two courses open to them, either of which a capable commander would have followed in the circumstances. They might march against General Carpenter, the royal general who was now on their track at the head of 900 cavalry wholly consisting of raw levies; or, as Mar had originally arranged, they might proceed to the west, and by threatening Glasgow divert Argyle from Stirling and open up the eastern Lowlands to the army at Perth[3]. But, says the annalist of the Rebellion, "a fate attended all their councils, for they could never agree to any one thing that tended to their advantage[4]." While the Scots wished to march in the direction of Glasgow, the English proposed to cross the Tweed and join issue with Carpenter. As neither party would give

[1] Rae, *op. cit.* pp. 257—8; Patten, *op. cit.* pp. 5—14.

[2] Mackintosh had lost some of his men through desertion.

[3] In the Duke of Berwick's opinion, the latter would have been the right course to follow.

[4] Patten, *op. cit.* p. 51.

way, the result was an unhappy compromise. With undefined purpose they proceeded by way of Hawick and Jedburgh to Langholm, which they reached on the 30th of October—Carpenter, still in pursuit, entering Jedburgh on the same day. Throughout the march, the Highlanders, who had insuperable objections to entering England, had given evident signs that they were prepared to take their own way when the opportunity offered. When therefore, some two miles south of Langholm, the English contingent insisted on marching south into Lancashire, about 400[1] of the Highlanders refused to go further and took their way homewards on what proved to be a disastrous journey. Directing their steps to the coast of Ayrshire, where it was their intention to seize such boats as they could lay hold of and sail for the western Highlands[2], they had to traverse a country where their speech and dress marked them out to the hostile inhabitants. Of their original number 300 were taken and lodged in the Tolbooth of Glasgow[3].

With their numbers thus reduced, the main body of the rebels entered England, encouraged by the fallacious promise that 20,000 men were ready to join them. At Penrith they received a notable tribute to their formidable appearance: the *posse comitatus* of Westmoreland, to the number of 14,000 men, which had been drawn up to oppose their entry to the town, fled in confusion at their approach without striking a blow. But this bloodless victory had no effect in bringing in volunteers; between Penrith and Appleby they were joined by only one recruit, while all along the march there were numerous desertions. At Kendal, which they reached on the 4th of November, an observer noted that "the Lords, Forster, and most of the other horsemen were disheartened and full of

[1] 400 is the number specified by Rae and Wodrow; other authorities estimate it at 500.

[2] This is Wodrow's statement, but Rae says their object was to reach the sources of the Forth.

[3] Rae, *op. cit.* pp. 267—280; Patten, *op. cit.* pp. 29—58; Wodrow, *Correspondence*, II. 86.

sorrow[1]." In Lancaster, where they remained from the 7th to the 9th, their prospects were somewhat brightened. A "great many" gentlemen of Lancashire with their friends and attendants joined their ranks, though, as most of them were Catholics, these additions made the Scots "mighty uneasy." On the 9th they proceeded to Preston, which was to be the term of their doomed enterprise. The toils were, in truth, fast closing round them. On the 12th General Wills, at the head of a Government force, appeared before the town, and was joined the next morning by General Carpenter, who had immediately pushed southwards on the report that the rebels had entered England. Still their united forces amounted only to 1200 men; and Preston was a place capable of vigorous defence. But Forster had neither the skill nor the courage requisite to the emergency; and after two days' fighting, in which the Highlanders under Mackintosh and Lord Charles Murray specially distinguished themselves, with the consent of the English but to the indignation of the Scots he capitulated at discretion. Of the insurgents 17 men had fallen, of the royalists 70. So far as England was concerned the rebellion was at an end, and it only remained to dispose of the seven lords and some 1500 officers and privates whom the surrender had placed in the hands of the Government[2].

On the day before the rebels at Preston surrendered the insurrection in Scotland sustained what was likewise to prove its fatal disaster. Since the 11th of October, when Mackintosh of Borlum transported his troops across the Firth of Forth, Mar had lain inactive at Perth, mainly occupied in dictating letters and proclamations demanding supplies for his host[3]. Equally by friends and foes Mar was denounced

[1] *Miscell. of Scot. Hist. Soc.* I. 516.

[2] Patten, *op. cit.* pp. 64—103. A list of the prisoners of note is given in Tindal (*op. cit.* XXVI. pp. 175—6, note).

[3] These documents are given in the *Collection of Original Letters and Authentic Papers relating to the Rebellion of* 1715 (Edin. 1730), pp. 91 et seq.

for his hesitation in descending into the southern Lowlands when the forces opposed to him amounted only to a third of his own numbers. His own excuses for his inaction were that the Earl of Sutherland remained unsubdued in the north, and that sooner or later the Prince would appear at the head of a foreign force which, united with the army at Perth, would render victory certain. What is remarkable is that the chieftains who had gathered to his standard were, as a body, no more eager than himself to take the decisive step of crossing the Forth; had they unanimously and enthusiastically urged the venture, Mar of himself could not have withstood them. What they dreaded in the open country was the onset of cavalry, against which they could easily provide among their own hills; and doubtless they recalled the fatal termination of Montrose's descent into the Lowlands at Philiphaugh. Alarming tidings at length determined Mar to hazard what in reality was his final stake; the Dutch troops which the Government had summoned at the beginning of the rebellion were on their way to England and would speedily join Argyle at Stirling[1]. It was not at the most opportune moment that he had taken his decision. His allies in the south were on the eve of disaster; the abortive attempt of the Duke of Ormonde to effect a landing in England had discouraged the Jacobites of that country; and the arrival of the Chevalier with his promised reinforcements was as far off as ever. It was with no sanguine hopes, therefore, that on the 10th of November Mar broke up his camp at Perth, and began his march to the fords of the Forth in the parish of Aberfoyle[2].

On the very morning when Mar began his march, Argyle received information of his intended movements and resolved to bar his progress to the Forth. Dispatching a hasty summons

[1] By the Peace of Utrecht, Holland came under the obligation to send 6000 men to England, should necessity call for them.

[2] According to Sinclair nobody in the army knew the position of these fords except Rob Roy, and he could not be trusted.—*Memoirs*, p. 201.

for the troops quartered in Edinburgh, Glasgow, Kilsyth, and Falkirk, he gave orders that everything should be in readiness for breaking up the camp at Stirling on the afternoon of the following day. On the morning of the 12th he began his march towards Dunblane, and on the evening of the same day took up his position on Sheriffmuir, two miles and a half to the east of that town. As the road from Perth, which Mar must follow to reach his destination, lay immediately to the west of the moor, he would thus be forced either to accept the gage of battle or beat a retreat. On leaving Perth, Mar had proceeded to Auchterarder and thence to the Roman camp at Ardoch, and on the evening of the 12th took up his position at Kinbuck, about two miles distant from the ground occupied by Argyle. The following morning Mar gave orders that his whole army should form on Sheriffmuir with its front facing Dunblane; and in a Council of War, which he now deemed it prudent to convene, it was resolved without a dissentient voice to risk the chance of battle[1]. In the circumstances, indeed, it would have been ignominious to shrink from the issue: in numbers he had more than two to one[2], and the uneven nature of the ground did not permit the free play of cavalry who were the special dread of the Highlanders.

As Argyle finally disposed his troops, he himself commanded the right wing, General Whetham the left, and General Wightman the centre. The battle began by a true Highland onset on Argyle's left, which was still in process of forming in the position that had finally been assigned to them. Thus taken by surprise, they were at once thrown into confusion and driven in headlong flight, which was not stayed till they reached the gates of Stirling, about five miles distant from the field of battle[3]. The fortunes of the day were precisely reversed in the

[1] Sinclair relates that Mar made "a very fine speech" on the occasion, adding that "it was the only good action of his life."—*Memoirs*, p. 212.

[2] Argyle had 3500 men under his command, and Mar about 8000 or 9000.

[3] Whetham, who commanded the panic-stricken left, gave the excuse

case of Argyle's right which was led by himself. Opposed to the enemy's left commanded by Mar, and outnumbered by three to one, his ranks were at first shaken by a murderous fire, but by the one adroit tactical stroke of the day he renewed their confidence and decided the result of the contest. A detachment under Colonel Cathcart was directed to attack the enemy's flank, and the order was executed with such vigour and success that after half an hour's hard fighting the whole of Mar's left gave way and fled in confusion in the direction of the Allan water, some two miles distant. As the fugitives greatly outnumbered the pursuers, it was only by pressing them hard that Argyle bore them before him. Ten times, it is said, the fleeing host made an attempt to rally; and it was not till after three hours' persistent pursuit that they were driven across the stream. Meanwhile Mar's right wing, after disposing of Argyle's left, had taken up its position on an eminence known as the Stony Hill of Kippendavie, where, with a singular lack of initiative, they remained inactive while Argyle was engaged in the pursuit of their comrades. Returning from his pursuit of Mar, Argyle joined forces with Wightman and approached the eminence on which the enemy's right, to the number of 4000, still retained their position. As he had only at his command between one and two thousand men, an attack on his part would have been foolhardy in the circumstances; but what is singular is, that the enemy, who had exhibited such headlong courage at the beginning of the battle, should now have hesitated to take advantage of their numbers and position. Neither side being willing to risk the chances of a fresh struggle, Argyle withdrew his men to Dunblane, where he was joined during the night by his scattered forces; and the following morning the enemy had disappeared[1].

that his object was to guard the pass at Stirling.—Wodrow, *Correspondence*, II. 100.

[1] There are several accounts of the Battle of Sheriffmuir, both by royalists and insurgents, which, though they differ in details, are in agree-

So far as the immediate result of the battle was concerned, neither side had reason to boast of a decisive victory, though both eagerly claimed it. Their losses were nearly equal, about 600 of the Government troops having fallen, and 700 or 800 of the insurgents; and, if the right of the one army had carried all before it, the right of the other had been equally successful. As to the ultimate consequences of the battle, however, there can be no doubt: the march of Mar to the Forth had been decisively checked and the southern Lowlands saved from invasion; and, as was speedily to be proved, the Jacobite cause had received a blow from which it was unable to recover. As even Argyle's enemies admitted at the time, if Sheriffmuir was not a victory for the Duke, it was at least a victory for King George[1].

On the fatal 13th of November the cause of the rebels suffered another reverse which, though less momentous, was attended by inconvenient results. On the night of that same eventful day, through the agency of Simon Fraser of Lovat, who at this period of his devious career found it his interest to be on the side of the Government, Inverness was retaken. By this important capture communication was opened with the Earl of Sutherland, who had with difficulty held his own since the beginning of the rising; and the Marquis of Huntly and the Earl of Seaforth had to withdraw from Mar's camp (which had again been removed to Perth) in order to defend their own territories[2]. As the Marquis of Tullibardine and many others of less importance followed their example, the prospects of the insurgents grew every day more unpromising. Moreover, while Mar's army was thus diminish-

ment as to the main features of the battle. Besides the narrative of Rae (*op. cit.* pp. 302—310) others will be found in Patten (*op. cit.* pp. 151—171).

[1] Marshall Keith says plainly that the result of Sheriffmuir "was the entire ruin of our party."—*Memoirs*, p. 20.

[2] Tindale, *op. cit.* XXVI. 197. For Lovat's share in the capture of Inverness and his general conduct at the time see Mackenzie's *Simon Fraser, Lord Lovat*, pp. 249 et seq.

ing, Argyle, by the second week of December, had been reinforced by the 6000 Dutch troops under the command of General Cadogan; and Glasgow had been garrisoned by the English regiments that had fought at Preston. It was in these depressing circumstances that Mar, with the consent of Huntly and others of his captains, made overtures to Argyle for coming to terms with the Government. Argyle, as it appears, did his utmost to recommend these overtures to the Ministry, but was coldly informed that nothing short of unconditional surrender would satisfy his Majesty[1].

It was with dubious feelings that Mar and the majority of the Jacobite leaders received the tidings that the Chevalier had at length set foot on Scottish soil (December 22nd). "Now there's no help for it," exclaimed Huntly when he heard the news; "we must all ruin with him: would God he had come sooner[2]." Not only was his arrival belated, but, instead of the well-furnished force he had been expected to bring with him, he had come with a single ship and accompanied by only six attendants[3]. Yet there was no lack of enthusiasm on the part of his supporters among whom he appeared. From the Episcopal clergy of the diocese of Aberdeen he received an effusive address in which they expressed the hope that, as he had been trained in the same "school of the Cross" as Moses and Joseph and David, he would prove like them to be a blessing to his kingdom and a father to his people[4]. At Fetteresso, the chief seat of the Earl Marischal, he was met by Mar, whose feelings on the occasion must have been conflicting; and at Dundee, where he made a

1715—1716

[1] Keith, *Memoirs*, p. 23; MSS. of Marquis of Townshend (*Hist. MSS. Com.* 1887), pp. 182—3. Townshend's letter to Argyle shows that the latter had given serious offence to the King by his advocacy of Mar's overtures.

[2] Sinclair, *Memoirs*, 333.

[3] Two other vessels followed with the rest of his train. One of these reached the Scottish coast in safety, the other was shipwrecked.

[4] The address is given by Rae (*op. cit.* pp. 352—4).

public entry, he had to remain for an hour on horseback in the market-place that the excited crowd might kiss his hand.

1716 On the 9th of January, 1716, the Chevalier at length made his appearance in Perth, and was now for the first time brought face to face with the realities of his situation. On the part both of the Prince and his army there was the keenest disillusion. Instead of the hero-king of their imagination the Highlanders saw an unimpassioned and stately personage, well-fitted to play a part in a Court ceremony, but neither by his physical nor his mental qualities capable of inspiring enthusiasm or leading a desperate cause. "Can he speak?" was their wondering question, as they marked his frigid demeanour when he appeared among their ranks. Nor was the disenchantment of the Prince less grievous than their own. He had expected to find an imposing host which only required his presence to lead it to certain victory: what he saw was a motley band of 4000 foot and 500 horse[1], whose sorry array presented a strange contrast to that of the disciplined troops of France in whose ranks he had served as a volunteer[2].

Such as they were, army and Prince, a momentous alternative confronted them. Was Perth to be evacuated or defended? Argyle, with a force which now greatly outnumbered their own, must speedily be before its gates, when no alternative would be left to them. In point of fact, though the secret had been kept from the army at large, the decision had been taken, a month before the Prince's arrival, to relinquish the place[3]. As the arrival of James had been followed by no important accessions, it was now resolved to carry out this counsel. On the 30th of January, day of sad omen to the supporters of the House of Stewart[4], the army crossed the frozen Tay; and its

[1] Keith, *Memoirs*, p. 24.

[2] A letter from Mar to the Prince (Nov. 24, 1715) might have prevented him from indulging in sanguine hopes (*Mar and Kellie Papers*, pp. 514—5).

[3] *Earl of Mar's Journal* (Patten, *op. cit.* pp. 201—2).

[4] Charles I was executed on the 30th of January.

main body, by way of the friendly town of Dundee, continued its march to Montrose. But before the evacuation an order had been issued which produced wider misery than any other act throughout the insurrection. To stay the progress of Argyle towards Perth it was commanded that the villages between that town and Stirling should be given to the flames and at the same time all their stores of victual destroyed. During the week that preceded the exodus from Perth the order was rigorously executed; and the villages of Auchterarder, Blackford, Muthill, Dunning and Crieff were utterly wiped out. As it was the dead of winter and a snow-storm of unusual violence supervened at the time of the burning, the homeless inhabitants were thus reduced to the extreme of misery[1]. The Prince signed with his own hand the order for the merciless deed, but not without compunction at what was represented to him as an unavoidable necessity. "The burning goes mightily against his mind," wrote Mar, "but there's no help for it[2]." A few days later James addressed a letter to Argyle, pleading the hard necessity which had occasioned the act, and stating that he had arranged for the distribution of a sum of money among the sufferers. Neither the letter nor the money, it is supposed, ever reached their destination[3].

On the day following the flight of the rebel army, Argyle and Cadogan took possession of Perth[4]; but after their march through the wintry wilderness that lay between Stirling and that town their troops were in no condition to give immediate pursuit to the enemy. Meanwhile, weakened by desertion and dispirited by the uncertain councils of its leaders, the fleeing army had reached Montrose, whither on the afternoon of

[1] *Miscell. of Maitland Club*, III. 443—474.

[2] *Stuart Papers* (*Hist. MSS. Comm.* 1902), I. 496.

[3] *Miscell. of Maitland Club*, III. 444, 447—9.

[4] Wodrow records that, as Argyle's Highlanders entered the town, their pipers played the tunes, "The Campbells are coming," "Wilt thou slay me, fair Highland laddie," and "Stay and take the breeks with thee."—*Correspondence*, II. 146.

February 4 came the alarming news that a detachment of the royal troops was already at Arbroath. The order was immediately given that the army should be ready at eight o'clock to march to Aberdeen; and the Prince's guard was directed to attend him at the same hour. The hour came, but no Prince appeared. As had been previously concerted, he had in the darkness slipped into a vessel in the harbour, attended by Mar, Lord Drummond, the Earl of Melfort and a few other gentlemen and domestics, and by midnight was in full sail for France[1].

The insurgent army, thus deserted by its chiefs, continued its march towards Aberdeen, where a letter from the Chevalier announced his constrained departure and bade each man look to his own safety. How best to attain this end—whether by holding together or by immediate dispersion—was now the supreme question. A despairing application to the Marquis of Huntly, who returned an evasive response, resolved the difficulty. Such of the main body as still held together took their way to Ruthven in Badenoch, which, as a central spot in the Highlands, was deemed the fittest place at which to part company. "From thence every one took the road [that] pleased him best[2]."

The rebellion was at an end; and, his work accomplished,
1716 Argyle in the beginning of March proceeded to London, where his own affairs urgently demanded his presence. To his rival and bitter enemy, General Cadogan, was entrusted the task of restoring order in the disaffected districts. A march through the Highlands reduced to subjection such clans as still remained in arms; and a detachment sent to the Island of Lewis, where the Earl of Seaforth still held out, completed the work of subjugation. By the middle

[1] Keith, *Memoirs*, pp. 28—9. Rae, *op. cit.* p. 369. According to Mar it was the accident of a vessel conveniently offering itself that determined James to take the opportunity of sailing.—*Stuart Papers*, II. 508.

[2] Keith, *Memoirs*, pp. 31—2.

of May Cadogan followed Argyle to London, where their quarrel was vehemently exercising both the King and his Ministers[1].

The punishment of the prisoners taken in the rebellion and precautionary measures for the future were now the main concerns of the Government. The fate of the Jacobites who had been taken in England had already been decided. By the close of February, Derwentwater and Kenmure had been publicly executed; the Earls of Nithsdale and Wintoun, Mr Forster and Mackintosh of Borlum were doomed to the same fate, but, by remissness or connivance on the part of the prison authorities, all of them at one time or another succeeded in making their escape. For various reasons the trial of the rebels in Scotland was postponed till a later date; and meanwhile the Parliament, which had met on the 9th of January, was engaged in passing measures necessitated by recent events. Of pre-eminent importance for the future of the three kingdoms was the Septennial Act, which prolonged the duration of the existing Parliament for six years more, and thus secured a permanent Whig majority, bound to the support of the Hanoverian succession. Another Act, in which both Scotland and England were interested, appointed a Commission to deal with the estates which had been forfeited during the late rebellion; and in the interest of Scotland an Act was likewise passed for disarming the Highlands as a means for securing the peace of the country.

The suppression of the rebellion was attended by no general elation throughout Scotland. What preoccupied the mind of the nation was the future proceedings of the Government in relation to the crisis from which the country had now safely emerged. As these proceedings gradually became known, there was not a party in Scotland which did not find grounds for bitter complaint. For the majority of his countrymen, Argyle had been the deliverer of the nation in its hour of peril;

[1] Rae, *op. cit.* pp. 373—5.

yet the reward of his services was the dismissal of himself and his brother, Lord Islay, from all public employment[1]. The resolution of the Government to call to account every person in its hands who had taken part in the rising was as obnoxious to its friends as to its foes. The number of the prisoners (in Glasgow alone there were 350) of itself gave this proposed action the appearance of indiscriminate severity; and, moreover, as was asserted at the time, there were not 200 gentlemen in Scotland who were not nearly related to some one or other of the rebels. Even the Crown officials keenly shared the general discontent; and Sir James Dalrymple, the Lord Advocate, bitterly declared that the Forfeited Estates Bill was "much the worst" he had ever seen. So keen was the apprehension of the friends of the Government regarding the policy it was pursuing that Duncan Forbes, afterwards the distinguished President of the Court of Session, a Whig by conviction and family tradition, felt constrained to take a remarkable step: he addressed an anonymous letter to Walpole, as being "an honest man," in which he powerfully set forth the dangers to king and country attending the present course[2].

1716

But it was this very discontent among all the parties in Scotland that justified its own action in the eyes of the Government. "If you had your way," Townshend, the Secretary of State, wrote to Dalrymple, "not a rebel would suffer punishment[3]." Under the conviction, therefore, that Scottish Jacobites should receive a lesson for the future, the Government held on its way. It was well known that a jury could not be found in Scotland to convict a single

[1] The Squadrone, Argyle's political adversaries, had done their utmost to discredit him with the Government; but the true reason for his disgrace was that the King "was resolved none should be about his son that had more interest with him than he had" (*Stuart Papers*, II. 316). Argyle was Groom of the Stole to the Prince of Wales.

[2] *Culloden Papers*, pp. 61 et seq. The letter is anonymous, but the editor is probably right in assigning it to Forbes.

[3] Omond, *The Lord Advocates of Scotland* (Edin. 1883), I. 305.

rebel; but the Treason Law passed immediately after the Union was found to supply a means of obviating this difficulty. On September 3 a batch of 39 prisoners in the Castle of Edinburgh were removed to Carlisle, where on English ground the law might take its natural course. In the eyes of Whig and Tory alike, here was another breach of the Union on the part of their overbearing ally; and the sympathies of all classes went with their deported countrymen. Dalrymple, the Lord Advocate, who should have conducted the prosecution, went to a German Spa to escape the odious duty; and Duncan Forbes, the senior Advocate-Depute, likewise refused to act. A proposal for a contribution to defray the expenses of the trial of the prisoners met with an enthusiastic response—nobles, corporations, and the magistrates of various towns being among those who contributed, even the "Goodman" (hangman) of the Edinburgh Tolbooth sending in his mite[1]. Yet, by the admission even of the enemies of the Government, the prisoners received a fair trial; and, though some of them were sentenced to death, the law was not enforced in a single case—an emphatic testimony to the growth of public opinion since the days of the Pentland Rising and Bothwell Bridge.

Equally unpopular with the trial of the Jacobite prisoners were the proceedings of the Commissioners appointed to enquire into the forfeited estates. It was itself regarded as an outrage on the national feeling that of the six Commissioners appointed four were Englishmen, members of the House of Commons[2]. In the opinion of the Government's own advisers, as expressed by Dalrymple, the wiser policy would have been to pardon the proprietors and to be content with a fine[3]. To the executive, however, this advice was only a proof that Jacobitism was still rampant in Scotland and demanded syste-

[1] Omond, *op. cit.* 306—7; *Stair Annals*, I. 323—348; Chambers, *Domestic Annals*, III. 411.

[2] One of the four Englishmen was Sir Richard Steele.

[3] *Stair Annals*, II. 45.

matic repression. Accordingly, on the 1st of September, 1716, the Commission met in Edinburgh, and straightway found itself entangled in the meshes of Scottish law. First, the Court of Exchequer, which had been established at the Union to deal specifically with fiscal affairs, advanced a prior claim on the estates in question. At the outbreak of the rebellion, as we have seen, suspected persons who disobeyed the summons to appear in Edinburgh on a certain day were liable to a fine of £500[1]. This sum, therefore, the Court of Exchequer claimed; and the claim would apply to every estate which came under the cognisance of the Commission. But it was the Court of Session that with pleasant ingenuity placed the most manifold obstacles in the way of the obnoxious proceedings. Before the Government could touch a penny of the coveted money, the creditors of the forfeited parties must first be satisfied, and factors must be appointed in the interest of these creditors. But these factors the Court of Session itself had the privilege of appointing; and the persons they selected were to a man notorious for their Jacobite sympathies. Not to be thwarted, however, the Government in the following year passed another Act appointing thirteen Commissioners to dispose of all the estates of the attainted parties[2]. But, as Dalrymple said, the difficulty was precisely to turn the estates into money. Few would be disposed to purchase properties, of which it was probable that they would be unable to draw the rents. But the Government was relieved from an unexpected quarter. A London Company, founded for supplying the city with water from the Thames, had miscarried in that scheme, and, in keeping with the adventurous commercial spirit of the time, resolved to recuperate its fortunes by purchasing the Highland Estates which were offered at such a reasonable figure. The York Buildings Company, as it was

[1] See Vol. II. p. 238.

[2] Dalrymple called it "that damned bill of sale." Omond, *Lives of the Lord Advocates*, I. 309.

called, became in effect the principal purchaser; but, encompassed by as many difficulties as Scottish law and Scottish prejudice could put in their way, it was not till the year 1725 that the Commissioners were in a position to wind up their accounts. The net result of all their labours was the fullest justification of Dalrymple's advice: £84,043 were realised from the sale of the estates, and £82,936 were consumed by the expenses of the Commissioners, leaving a balance to the Government of £1107[1].

With two other actions of the Government closes the memorable chapter in Scottish history known as "The 'Fifteen." Before the Parliament rose on July 15, 1717, it passed a measure which had been anticipated with eager expectancy in both kingdoms. This was an Act of Grace and Free Pardon, by which the Jacobite prisoners were given liberty to settle either at home or abroad. But there was one notable exception from the general indemnity: the whole clan of Macgregor was expressly excluded by the terms of the Act. For this exception, however, there were special reasons. Since the "Slaughter in the Lennox" in 1603[2], in which the Macgregors had been the principal actors, the clan had lain under proscription which had been confirmed by successive Governments throughout the 17th century. During the late rising, moreover, the clan had taken the opportunity of marauding the neighbouring Lowlands and, though in equivocal fashion, had identified itself with the Jacobite cause. Its most notorious member, the famous Rob Roy, had played a somewhat prominent part in the service of Mar, though always with a proper regard to his own interests. Even since the close of the rebellion he had been doing business on his own account, but he had been arrested by the

1717

[1] Report of Commissioners, printed for Jacob Tonson (Lond. 1724). A list of the Forfeited Estates, with their annual rentals, is given by Tindal (*op. cit.* XXVII. 110—111).

[2] See *ante*, Vol. II. p. 238.

Duke of Atholl, and had escaped ward. It was not without justification, therefore, that the Government insisted on regarding the Macgregors as public enemies who had not merited the benefit of the general Act of Indemnity[1].

1718

The last direct action of the Government relating to The 'Fifteen showed that it was still haunted by the spectre of Scottish Jacobitism. It was an action at once inconsequent and futile. By its Act of Grace and Free Pardon it had given a free bill to the Jacobites in both countries; but now (1718) it conceived the notion of taking proceedings against the Jacobites who had fled across the water. As it had good reason to know, no jury in Scotland would find a bill against the exiles; but it had a weapon in its hands of which it chose to try the effect. As we have seen, an Act of the reign of Anne had introduced the English Treason law into Scotland[2]. In accordance with this Act a commission of Oyer and Terminer was sent down to Scotland, and began its sittings at Perth in the month of September. A Grand Jury was called and sworn; the fullest proof was produced against the parties accused[3]; but the jury obdurately refused to find the required bills. With the single exception of Cupar-Fife, there was not a town where the Commissioners sat which did not follow the example of Perth. "I am sure," wrote one of the baffled Commissioners to the Duke of Roxburgh, the Scottish Secretary, "some other method must be thought of, for this will not do[4]." What the Government failed to see was that it was fighting not against Jacobite

[1] It appears that Rob Roy surrendered himself to the Duke (*Atholl Papers*, p. 71). The difficulty in dealing with the Macgregors was that since their original proscription they were scattered up and down the Highlands and thus eluded apprehension.

[2] See *ante*, p. 143.

[3] The parties accused were Freebairn, the printer, and Fullarton of Fullarton.

[4] *Stair Annals*, II. 56—8, 348, where letters of the two English Commissioners are given.

sympathies but against resentment due to English interference in Scottish affairs.

In the beginning of the year 1718 the Jacobite cause seemed at its lowest ebb both at home and abroad. Immediately after the Chevalier's arrival in France from Scotland, he had foolishly quarrelled with Bolingbroke, the one able counsellor he possessed. In the autumn of 1717 Mar was so hopeless of his master's future that he was seeking to make his peace with King George[1]. The funds of the party had been drained by the rising in Scotland, which, it was said, had cost not less than £12,000,000; and by the death of Mary of Modena, James VII's widow, on May 7th, 1718, the pension which she had received from Louis XIV was lost to the cause. Severely repressed at home, the friends of the exiled House could find little to comfort them in the political state of Europe. In France, which had once been their stay, the Regent Orleans continued to find it his interest to be on good terms with England, and in no other country were there signs of any developments favourable to the Stewart. 1718

Such was the outlook of the Jacobites at the beginning of 1718, but by its close a situation had arisen on the Continent which filled them with the most sanguine hopes. Their special providence on this occasion was not France but Spain. At this moment the destinies of that country were in the hands of Cardinal Alberoni, who, born the son of an Italian gardener, was now the dominating figure in the politics of Europe. Thwarted by England in his policy of utilising Spain in the interests of his native country, he determined on revenge; and, as the most direct and effectual means of obtaining it, he conceived the plan of an invasion of Britain in favour of the Stewart. Moreover, there was another formidable personage who was prepared to co-operate with him in his enterprise. Charles XII of Sweden had a long-standing

[1] *Hardwicke Papers*, II. 561.

grievance against George I, and he had been biding his time to square accounts with him. In July, 1715, Schleswig and Holstein, together with the secularised bishoprics of Verden and Bremen, had been sold to George by Frederick IV of Denmark who had previously wrested them from Sweden. The rising of Mar in the autumn of that year offered Charles a speedy opportunity of seeking his revenge; and, but for the overthrow of the Swedish fleet at Rügen in the month of September, he would in all probability have carried out his intention of invading England. Now, therefore, he lent a ready ear to the overtures of Alberoni, and concluded a formal alliance with Spain against Great Britain. Again, however, England had her usual good fortune against her intending invaders: on the 11th of December, 1718, Charles was killed at Fredericksten, and Alberoni was left to his own resources.

Before the death of Charles, Alberoni had already begun his preparations for the intended invasion. In December, 1718, the Duke of Ormonde, the most important of the exiled Jacobites, appeared in Madrid by his invitation; and together they concerted the plans that were to be followed. When in the beginning of March, 1719, the Chevalier himself arrived in Spain at the summons of Alberoni, the fleet destined for the invasion of England had already sailed. Consisting in all of twenty-nine vessels, with 5000 troops and arms for 30,000 more, it had set out from Cadiz on the 7th of that month. By a curious fatality the same disaster overtook it as befell the Great Armada. On the 29th it was encountered by a storm which wrought such havoc with ships and men that the damage was irreparable and the expedition came to an end.

1719

But in addition to the main enterprise Alberoni had arranged a minor expedition, the special object of which was to create a diversion in the Scottish Highlands in favour of the debarkation in England. To Earl Marischal Keith, who had been one of the principal leaders in The 'Fifteen, he had

entrusted the command of two frigates, with a detachment of Spanish regulars to the number of 307 men, for the express purpose of executing this important project. Sailing from San Sebastian on the 8th of March, the Earl reached the Isle of Lewis in the beginning of April, where he was shortly afterwards joined by the Earl of Seaforth and the Marquis of Tullibardine, who in a small craft had accomplished an adventurous voyage from Havre. As was the fatal habit in Jacobite councils, differences at once broke out among the leaders. Tullibardine claimed the chief command, which the Earl Marischal surrendered, though still retaining the charge of the ships. Further disagreement arose as to their immediate procedure—Tullibardine counselling delay, while the Earl urged prompt action on the mainland. Owing to their ill-timed dissensions, it was not till the 13th of April that a landing was effected on an islet at the mouth of Loch Duich in Ross-shire. Still Tullibardine insisted on inaction; and the Earl Marischal took the decisive step of dispatching the vessels to Spain—a prudent precaution, as within a week an English squadron was off the coast. The fate of the adventurers was no longer in their own hands. They had deposited a store of arms and ammunition in the Castle of Eileen Donan on the islet in Loch Duich, placing it under the guard of forty-five Spaniards. The fort with its stores and garrison was taken by the enemy's ships. Now cut off from escape by sea, they made a belated attempt to raise the neighbouring clans; but the news of the destruction of the larger fleet (p. 196) was already widely known, and the clans made but a feeble response to their appeal. "Not above a thousand men appeared[1]," writes the historian of the expedition; "and even those seemed not very fond of the enterprise." Meanwhile, the Government forces, in number 1100 men, were steadily approaching under the command of General Wightman. On the 10th of June the two armies were face to face in Glenshiel, a defile issuing

[1] Keith, *Memoirs*, p. 51. Keith accompanied the expedition.

at the head of Loch Duich. The battle began between 5 and 6 o'clock in the afternoon, and after about three hours' fighting the invaders were completely routed[1]. On the Government side 21 men were killed and 121 wounded; the losses of the enemy amounting to about the same figures. Next morning, by the advice of the Jacobite leaders, the whole Spanish contingent surrendered[2], and "everybody else took the road he liked best[3]." So ended the fourth attempt to effect a Stewart restoration that had been made since the Revolution; and in this, as in all the three previous attempts, fortune rather than the efforts of the existing Government had the principal share in the issue.

[1] That the victory was decisive is the opinion of the latest authorities.

[2] They were sent home to Spain in the October following.

[3] Mr W. K. Dickson, in his *Jacobite Attempt of* 1719 (Scot. Hist. Soc. 1895), has given an admirably lucid account of all the circumstances attending the invasion. See also an article by Professor Sanford Terry in *The Scottish Historical Review* for July, 1905.

CHAPTER V.

GEORGE I, 1714—1727.
GEORGE II, 1727—1760.

The Argathelians and the Squadrone, 1719—1745.

The political history of Scotland from the Jacobite attempt of 1719 to the rising of 1745 is mainly the history of a succession of measures on the part of the Government generally unacceptable to the people, and in two notable cases attended by open defiance of its authority. In passing these measures the King's Ministers maintained that they were only exacting from Scotland what was its due as a constituent member of the United Kingdom; while the Scots, on their part, bitterly complained that they were over-ridden by their powerful neighbour, that their national interests were neglected, and that the burdens laid upon them were out of all just proportion to the relative resources of the two countries. In its dealings with Scotland the Government possessed an advantage which at once supplied a pretext for its actions and enabled it to put them in force. Unhappily for the country, its public life was distracted by the rivalries of two parties, which in their strife for the first place in the management of affairs showed little scruple in subordinating the national welfare to their own momentary interests. The one party was that singular body known as the Squadrone, which had played such a peculiar game in the preceding reign and which still gave itself out as the party of independent patriots. Opposed to it was the party that looked to Argyle as its head and was known by the significant name of the "Argathelians[1]." To play off these

[1] *Argathelia* is the Latin name for Argyle.

two parties against each other was the deliberate policy of the Government; and on one or the other it could always reckon for a more or less cordial support of its measures.

Since the accession of George I the Squadrone had regarded itself as the party that would enjoy his favour. "It would gall anybody," wrote a correspondent of the Duke of Atholl from Edinburgh during the week of the King's proclamation, "to see the insolent haughty carriage of our Squadrone Lords who meet and cabal among themselves as if they were constituted governors by the sovereign[1]." During the first years of the new reign their hopes were fully justified. Argyle was indeed entrusted with the charge of suppressing the rebellion; but, as subsequent events proved, this was solely because there was no other man who was equal to the task. From first to last, throughout the campaign, it was matter of public talk that the Squadrone sought to thwart him in all his actions[2]. In the General Assembly that met in May, 1716, after the rebellion was at an end, it was in the teeth of the bitter opposition of the Squadrone elders that the name of Argyle received special mention in the address of congratulation to the King[3]. But the triumph of the Squadrone, as we have seen, was close at hand. In the beginning of June, the King, jealous of Argyle's influence with the Prince of Wales, deprived him of all his public offices; and for a time the Squadrone was supreme.

In the attitude of both parties towards a notable measure of the Government, in which Scotland and England were equally interested, we have an illustration of the tactics they were prepared to follow to ingratiate themselves with the Court. This measure was the famous Peerage Bill, which, if it had passed, would have fundamentally changed the British constitution. By the terms of this Bill the existing number of English peers was never to be increased by more

1719

[1] *Atholl Papers*, p. 66.

[2] Wodrow, *Analecta*, I. 306.

[3] Wodrow, *Correspondence*, II. 186.

than six in all time coming, while in the case of Scotland the sixteen elective peers were to be displaced by twenty-five peers with a hereditary right to sit in the House of Lords[1]. The effect of the Bill, as its promoters fully understood, would have been to perpetuate the Whig oligarchy which had effected the Protestant succession and to put King and Commons under its feet. That the King approved a measure so fatal to the prerogative was simply due to the exigencies of the hour: the Whig chiefs were convinced that, when the Prince of Wales came to the throne, he would identify himself with the Tories and give them a majority in the House of Lords by the creation of new peers. But it was the Whig chiefs who had put George where he was; and, moreover, anything that would spoil the happiness of his son was pleasing to the father. The Peerage Bill, therefore, received his hearty consent.

It was the Scottish clause in the Bill that raised the greatest excitement among English and Scottish peers alike. The arguments against this clause, as presented by Lord Cowper, were that it was an infringement of the Treaty of Union, that the non-hereditary Scots peers would be deprived of all share in the government of the country, and that the existing sixteen elected peers had no right to give away the privileges of those who elected them without their having a voice in the decision. On the other side, it was urged that twenty-five peers was an improvement on sixteen, that the excluded peers would have their chance when heirs male failed to any of the twenty-five, that the method of electing was derogatory to the dignity of the order, and that the clause in question was no breach of the Union, which made only two things unalterable—religion and the proportion of taxes. What was remarkable was that all the sixteen Scottish peers—the Argathelians as well as those of the Squadrone—strenuously supported the

[1] In the event of the failure of male heirs, in the case of both countries, new creations were to follow.

Bill[1]. Among the Scottish peers in general, however, there was no such unanimity; and there was one party among them, mainly Tory or Jacobite, which did its utmost to defeat the measure. "I assure you," wrote the Earl of Glencairn, "I would go to the world's end to prevent it, for sure I am never such another barefaced thing was ever thought of[2]." But the opposition to the Bill was not confined to Jacobite Scottish peers: the Commons of both countries fully realised that its passing into law would affect their constitutional rights, and so loud was the outcry against the measure that the Government was constrained to postpone pressing it till the following session. In the interval the clamour only grew louder; and in the war of pamphlets that ensued two illustrious combatants, Addison and Sir Richard Steele, entered the lists against each other, to the unhappy breach of a lifelong friendship. But the King and his Ministers had set their hearts on passing their measure; and at the opening of the following session (Nov. 25) it was again introduced in the House of Lords. A few days sufficed to see it through that House, but in the Commons it met with a different fate. Mainly through the efforts of Walpole, from whom the occasion evoked one of his most memorable speeches, the Bill was rejected by the decisive majority of ninety-two[3]. In the consenting opinion of later times, it was a sinister measure, prompted by the circumstances of the moment and conceived in the interests of the ambitious section of a single order. That every Scottish elective peer should have given it his support is a striking proof that court influence had not ceased to over-ride national interests with the extrusion of the Stewart.

[1] Argyle seconded it, and the Duke of Roxburgh, the chief of the Squadrone, supported it with equal ardour.—*Stair Annals*, II. 338—341.

[2] *Portland Papers*, V. 580. Petitions against the Bill were sent up from Edinburgh (*ib.* p. 579). According to Lockhart it was mainly peers of Jacobite sympathies who signed these petitions.—*Memoirs*, II. 58—9.

[3] *Parliamentary History*, VII. 606—624.

During the opening years of the reign, the Government had identified itself with the Squadrone because it appeared to be the stronger of the two Scottish parties and was the more amenable to its desires. But the Squadrone had not been so dutiful as was expected; and it gradually became apparent that the Argathelians had in reality the support of the majority of the nation. Significant signs of returning favour, therefore, now began to cheer the discredited party. On February 6, 1719, Argyle was appointed High Steward of the Household; and on the 30th of the April following he was created a peer of England with the title of the Duke of Greenwich. When in April, 1721, Walpole became First Lord of the Treasury and Chancellor of the Exchequer, it was a day of good omen for the Argathelians. Under the administration of Walpole their leader was to attain to a measure of authority in Scotland surpassing that of his ancestor, the Great Marquis.

The date was now approaching which the Septennial Act had prescribed as the term of the existing Parliament. Long before it came, parties in Scotland had been assiduously exerting themselves to influence the coming elections in their respective interests. The political situation was indeed one fitted to try the virtue of public men. Argyle was confident that, if his followers and the Squadrone were left to themselves, neither receiving the support of the Government, he could reckon on a majority both among the elective peers and among the representatives of the Commons[1]. What rendered the result doubtful was that the Jacobite vote, both in the case of the peers and of the Commons, might turn the scale in favour of either party. Lockhart, the indefatigable agent of the Jacobites in Scotland, did not let the opportunity slip of doing something for their cause, and with this intention made overtures to Argyle, who was related to him by marriage and with whom he had always been on the friendliest terms. According to Lockhart, Argyle was not indisposed to make a

1722

[1] Lockhart, *op. cit.* II. 59.

bargain with him; but, if so, their negotiations were peremptorily cut short. What the Government wanted was a Whig majority in the next Parliament; whether returned by the Argathelians or the Squadrone was a matter of indifference, as in either case it had means at its command to compel their support. The order therefore came down that the two parties should combine their forces, and bend their whole efforts to return a majority both of peers and Commons. The order was submissively received; and the result of their united action was a victory for the Whigs even more decisive than in the case of the election of 1716[1].

1724

In the year 1724 the country had an experience unprecedented in its previous history. During the preceding year the landowners in the south-western shires—Dumfries, Kirkcudbright and Wigtown—had suddenly and on an extensive scale begun to enclose their lands with stone walls and to turn them into pasturage[2]. As the result of these proceedings, numerous families were evicted from their holdings with consequent wide-spread misery. The plea urged by the landlords in justification of their action was that their tenants were lazy, that they were permanently in arrears with their rents, and that they exhausted the land by leaving it fallow only every third year. In the beginning of May, 1724, the general discontent throughout the suffering districts came to a head. Two evicted farmers, one a tenant of Gordon of Earlstoun, the other of the Viscountess Kenmure, were the leaders of the movement. Having drawn up a bond of association, they were gradually joined by numbers which

[1] Lockhart, *op. cit.* II. 59 et seq. The victory of the Government was gained by the usual methods of influencing the elections through its officials. On this occasion the means employed were so "unwarrantable" that, immediately after the election, the Convention of Royal Burghs recorded its indignant protest.—*Records of the Convention of Royal Burghs*, III. 318.

[2] It was the traffic of the Scottish cattle-dealers with England that led to these enclosures.—Fraser Tytler, *Memoirs of the Life and Writings of the Honourable Henry Home of Kames* (1807), II. 175.

rose to some five or six hundred men. The destruction of the offending enclosures was their first object; and this they accomplished in the most thoroughgoing fashion. Assembling in the darkness of the night—men, women and children—and armed with crowbars and other necessary implements, they had accomplished their work before daybreak, and dispersed to their respective places of hiding. Unable to cope with the "Levellers" or "Dykebreakers" in their own strength, the landlords found themselves forced to appeal for aid to the Government, which promptly dispatched the regiment of the Scots Fusiliers to the disturbed districts. In a fierce encounter, which took place in Kirkcudbrightshire, the Levellers were worsted and sixteen of them made prisoners. Fines, imprisonment, and transportation followed; and by the end of June the shires of Kirkcudbright and Dumfries were reduced to order. In Wigtownshire, however, the Levellers still continued their work; and it was not till the summer of 1725 that Wodrow was able to record that the disturbances had all but ceased. Among the landlords themselves, we are glad to learn, there were some who did not refuse their sympathies to the unhappy law-breakers; and proposals were even made to establish woollen manufactures in Wigtown, Stranraer, and Kirkcudbright, to afford employment for the victims of what was an imperative reform in the agricultural interests of the country[1].

The most ingenious malcontent could hardly charge the Government with the responsibility for these unhappy occurrences; but in the following year 1725 it was to supply its enemies with "the most popular handle of clamour[2]" since the beginning of the reign. We have seen that in 1713 Scotland successfully resisted the imposition of a Malt Tax on the ground that it involved an infringement of the Treaty of Union[3]. But this exemption had remained a standing

[1] Tindal, *op. cit.* XXVIII. pp. 247—8; Wodrow, *Correspondence*, III. 125, 137, and *Analecta*, III. 152, 157, 170, 198, 210.

[2] Wodrow, *Analecta*, III. 177.

[3] See *ante*, p. 151.

grievance with the English, who naturally resented that Scotland should thus escape its due proportion of a tax which was so heavy a burden on themselves. On Walpole's becoming Chancellor of the Exchequer, these classes brought such persistent pressure to bear upon him that, against his better judgment, he found himself constrained to meet their wishes. In the autumn session of 1724 he imposed an additional duty of sixpence on every barrel of ale in the hope that in this form the tax might prove less odious to the Scots. No sooner had the news of the tax reached Scotland, however, than almost as one man the nation set its face against it. Again the old arguments were forthcoming: the tax was a breach of the Union Treaty, and was, moreover, out of all proportion to the relative resources of the two countries. It was a golden opportunity for the Jacobites, and they did not fail to make the most of it. "The King's friends," says Lockhart, "laid hold upon this occasion, and privately, underhand, fomented the bad humour[1]." But the public humour hardly required any mischievous fomenting. What the new duty meant was that the national drink, ale sold at twopence a pint and known as "Twopenny," would be affected either in quality or price. From almost every shire in the country addresses were sent up to the Government representing the iniquity of the new exaction[2]. But when, in obedience to their constituents, the Scottish members laid their protests before Walpole, he was ready with a cogent reply. Since the Union the representatives of the Scottish shires and burghs had been regularly feed by the successive Governments during their attendance on their Parliamentary duties[3]. If Scotland would not contribute its quota of taxation, Walpole told them, they must "tie up their stockings with their own garters." Nevertheless, the national

[1] *Memoirs*, II. 134. [2] Wodrow, *Analecta*, III. 177.

[3] Before the Union the constituencies were under an obligation to maintain their representatives while Parliament was sitting. According to Lockhart the sum paid by the Government to each Scotch member was 10 guineas a week.—*Memoirs*, II. 139.

opposition to the tax was so menacing that Walpole judged it prudent to make a show of concession. He abandoned the tax on ale, and substituted for it a duty of 3*d.* on every bushel of malt. Should the sum thus levied not amount to £20,000 —the contribution he desired—the maltsters were to make up the deficit.

The Malt Tax was not more acceptable than had been the proposed tax on beer; and, as the day for levying it (June 23, 1725) approached, there was every indication that the Government would be set at defiance. As it happened, it was in Glasgow, which during The 'Fifteen had proved itself the most loyal of Scottish burghs, that the opposition took most formidable shape. A conjunction of untoward circumstances appears to have brought about this result. The member for Glasgow, Daniel Campbell of Shawfield, as it chanced, had made himself specially obnoxious in the town. He was suspected of having aided and abetted Walpole in imposing the detested tax, and, moreover, he had done the Glasgow merchants a disservice in their Virginian tobacco trade. In the preceding December the mob of the town had broken the windows of a handsome mansion which he had recently built for himself; and, as the day for levying the tax drew near, he became uneasy for the security of his belongings, and, ill-advised, appealed for protection to General Wade, the Commander-in-Chief of the forces in Scotland. The 23rd of June came; but so menacing was the feeling of the town that it was deemed prudent to delay the work of the excise officials. On the evening of the following day two companies of infantry, dispatched from Edinburgh by General Wade under the command of Captain Bushell, arrived in the town. They were received by the mob with volleys of stones and abuse of themselves and the Malt Tax. Arrived at the Tolbooth, where they meant to take refuge, they found its door locked, the mob having secured the key; and by the provost's orders they took up their quarters in a public-house. During the

1725

night the mob again arose and fell upon Campbell's mansion, which in the morning was a gutted wreck[1]. When in the course of the day the soldiery ventured into the streets, they were attacked with such fury that in self-defence they were compelled to discharge their pieces, with the result that nine persons were killed and about seventeen wounded. As the numbers of the troops were insufficient to overawe the mob, Captain Bushell on the advice of the provost evacuated the town, and marched to the garrison of Dunbarton, pursued for six miles by several hundreds of the enraged populace[2].

Such defiance of authority could not be overlooked; and measures were promptly taken to call the most conspicuous offenders to account. On the 8th of July, General Wade and Duncan Forbes, who about a month before had been appointed to the office of Lord Advocate, marched from Edinburgh at the head of a force which effectually overawed the mutinous town. As the result of a rigorous examination, twenty-one of the populace were committed to prison, and the provost and six baillies conducted to Edinburgh to undergo a trial on the charges of murder, felony and riot. But, as public opinion now prevailed in the country, they were secure from judicial condemnation. Ably defended by Dundas, who had been deprived of the office of Lord Advocate for his opposition to the Government, they were released on bail; and it was deemed more prudent to take no further proceedings against them. In deference to popular sentiment it was even found necessary to bring Captain Bushell to trial for firing on the mob; and, though his action was fully justified in the circumstances, the verdict went against him, and he was only saved from its consequences by the royal pardon[3].

[1] Campbell and his wife had prudently retired to the country on the previous day. Lockhart says that, had the mob laid hands on Campbell, they would certainly have "de-Witted" him (*Memoirs*, II. 162).

[2] *Parliamentary History*, VIII. 483 et seq.

[3] *Culloden Papers*, pp. 79—93; *Parliamentary History*, VIII. 485—6; Lockhart, *Memoirs*, II. 162—4.

In less dramatic fashion Edinburgh also distinguished itself by its opposition to the obnoxious tax. The brewers of the town took the heroic resolution to cease from brewing till the duty was removed; and, as Edinburgh consumed some 2500 barrels of ale a week, the sacrifice was not confined to themselves. But the Lord Advocate Forbes had a weapon in his hands which he used with convincing effect against the recalcitrant brewers. From the earliest times the Court of Session had exercised the privilege of regulating the sale of provisions in the capital. At the suggestion of Forbes, therefore, the Court of Session passed an Act of Sederunt declaring the action of the brewers to be illegal, and peremptorily enjoining them to resume their duties in the interest of the lieges. After a week's resistance the brewers concluded that they had done enough for the honour of their trade and of their country; and the citizens were straightway supplied with their weekly modicum of ale. 1725

The troubles of the Government connected with the Malt Tax had hastened a revolution which had already been in progress. We have seen that Walpole, on his accession to power in 1721, had shown a disposition favourable to the party of Argyle at the expense of the Squadrone. But the action of the Squadrone with reference to the Malt Tax convinced him that, so long as that party was in power, the Government would be hindered at every turn in its Scottish policy. Roxburgh, the Secretary, and Dundas, the Lord Advocate, had identified themselves with the national opposition to the odious tax, and done all in their power to prevent its being enforced. In the summer of 1725, therefore, Walpole took a step characterised by his usual vigour: at one sweep he removed Dundas and the minor officials of the Squadrone from their posts; and in the beginning of September he completed the discomfiture of the Squadrone by the dismissal of Roxburgh from the Secretaryship. But Walpole was resolved on a still more decided measure. The office of Secretary for Scotland, 1725

he was convinced, was a standing embarrassment for the Government in the administration of Scottish affairs; and he determined that it should be abolished[1]. In taking this step he had the support of the most enlightened opinion in Scotland. Since the removal of James VI to England, the Scottish Secretary had never ceased to be an unpopular personage: he had invariably been more English than the English and the obedient agent of the successive Courts. "If any one Scotsman has absolute power," wrote the Lord Advocate Forbes, "we are in the same slavery as ever"; and he received the news of the abolition of the Secretaryship with "a great deal of joy[2]." Nominally the duties of the extinguished office were entrusted to the English Secretary of State, then the Duke of Newcastle; but, in point of fact, during the next six years the management of Scottish affairs was entirely in the hands of Lord Islay, brother of the Duke of Argyle, and the trusted confidant of Walpole. Thus the Argathelians had displaced the Squadrone, and for some eleven years to come they were to maintain an ascendency which no Scottish party had exercised since the Union. In the Highlands, it was said, Argyle became the one great man whereas formerly there had been four[3]. As for Islay, so great was his power that he was popularly known as the "King of Scotland" and "Congé d'élire." Through one or other of the brothers every office had to be sought; and no young advocate gave signs of ability but his adhesion to their party was secured by some timely favour. "Thus universally careful," writes the chronicler, "are they to spread and secure their influence[4]."

[1] The office was temporarily restored in 1731, was abolished after the Rebellion of 1745, and again restored in 1885.

[2] Hill Burton, *Lives of Simon, Lord Lovat, and Duncan Forbes of Culloden* (Lond. 1847), p. 333.

[3] Wodrow, *Analecta*, III. 318. Wodrow names Seaforth and Huntly, but says he has forgotten the fourth. According to Lockhart, the fourth was Atholl.

[4] *Ib.* III. 192.

Besides the Malt Tax there was another measure of the Government in furtherance of which Argyle, Islay, and Forbes lent their hearty co-operation. For the first time in the national history a serious attempt was now made to bring the entire Highland country within the pale of civilisation. On the outbreak of the rebellion of 1715 an Act had been passed for the disarming of the Highlands, but it had practically remained a dead letter. A memorial on the state of the Highlands presented to the Government by Simon Lovat was the occasion of the measures now taken to reduce them to the condition of the rest of the kingdom. As the first step towards this end, General Wade was commissioned to proceed to the Highlands and to prepare a report on the state of things described by Lovat. The immediate result of Wade's report was a bill drafted by Forbes which, under the title of "An Act for disarming the Highlands," passed into law in the summer of 1725[1]. To Wade was now entrusted the arduous task of putting the Act in force; but, interrupted, as we have seen, by the riots in Glasgow, it was not till August, 1725, that he was in a position to begin his operations. Under his command he had 400 regular troops and six companies of Highlanders drafted from such clans as had given proofs of their loyalty. With Inverness as his base, he dispersed detachments throughout the Highland country, and stationed them in the important passes, where barracks were erected for their accommodation. By these measures the time-honoured Highland practices were for a time effectually checked; cattle-lifting and blackmail, which till now had continued as prevalent as ever, could not survive under the new conditions. The chiefs of suspected clans also found it their interest to give in their ambiguous submissions; and Rob Roy, in a letter to Wade which does him little credit, besought remission for his many past delinquencies[2]. In one all-important matter, however, Wade was

[1] 11 George I, cap. 26.

[2] Rob Roy had taken sides with the Jacobites at Glenshiel as well as during The 'Fifteen.

unhappily befooled, as the country was to learn to its cost at a later day. One of the principal objects of the late Act was to deprive the Highlanders of all weapons that might render them formidable in the event of another rising; and Wade did his best to secure this result. With the connivance of the chiefs, weapons were indeed surrendered with apparent readiness; but in almost every case the weapons brought in were antiquated pieces, of no value in the existing modes of warfare. "These people," says Lockhart, "make a jest of all he (Wade) has done or will do in that affair[1]."

But the most durable memorial of Wade's labours was a great undertaking which also formed part of the Government's measures for reducing the Highlands to peace and order. In all past time the principal difficulty in dealing with these "peccant" districts had been their inaccessibility to such forces as had been dispatched against them. Mountain paths there were in abundance; but for the march of regular troops there were no lines of communication which might enable them to strike with speed and effect. To establish such lines of communication was the work of Wade which has associated his name for all time with the history of the Scottish Highlands. In the summer of 1725 the work began, and eleven years were spent in accomplishing it. During each succeeding summer 500 soldiers were employed in constructing the different lines of road—each private receiving 6*d.* daily in excess of his usual pay. Wherever the nature of the surface would permit, the roads followed a perfectly straight line over moor, mountain, and river. The length of all the roads together amounted to about 250 miles, their standard breadth being 16 feet; while 40 bridges of various dimensions had to be constructed in laying them out. When the great work was completed, all the main outposts of the Highlands were so connected that from all or each of them an attack could be promptly delivered at any desired point. The garrisons of Inverness, Fort Augustus,

[1] *Memoirs*, II. 282.

and Fort William were connected by a road followed at a later day by the Caledonian Canal. From Inverness to Dunkeld ran another way, known as the "Great Highland Road" and now traversed by the Highland Railway, which was joined at Dalwhinnie in the parish of Kingussie by a road from Fort Augustus, and by another from Crieff at Blair Athol. Besides the network of roads, still further precautions were taken to place the country under effective control. An armed galley was launched on Loch Ness; two new forts were constructed at Inverness and Fort Augustus; and fortified towers, each with its own garrison, were erected in spots where the nature of the country or the disposition of the inhabitants appeared to call for them. As was to be proved at no distant date, all these precautions were insufficient to prevent the most formidable of all the uprisings of the clans. Yet in the end the work accomplished by Wade proved the greatest step towards the assimilation of the Highlands with the neighbouring country[1].

1727—1728

The Jacobites on the Continent had confidently looked forward to the death of George I as an event that would be highly favourable to their cause. Deluded by plausible reports of the state of public opinion in both countries, they imagined that, more advantageously than in 1715, another attempt might now be made to restore the House of Stewart to its own. Accordingly, on the news of George's death (June 11, 1727) the Prince hastened from Italy into Lorraine, and at once put himself in communication with the Courts of Vienna, Paris, and Madrid. To Lockhart, his unswerving adherent in Scotland, he also wrote suggesting that the time was opportune for a rising in that country, and that he was prepared to put himself at the head

[1] Captain Burt, *Letters from a Gentleman in the North of Scotland to his Friend in London* (Lond. 1754), Letter XXVI. A detailed account of Wade and the Highland roads is given by Sir Kenneth S. Mackenzie in *Transactions of the Inverness Scientific Society and Field Club*, Vol. v. pp. 145—177.

of it. But that astute agent was too well informed to be under any illusion as to Jacobite prospects either at home or abroad. As Lockhart well knew, the cause of the Stewarts had in truth never been more hopeless than now. On the Continent there was no appearance of any combination in its favour; and in Britain the mass of the people of both countries were in a state of comfortable acquiescence in the existing *régime*[1]. Moreover, during the last few years the Prince's management of his own private affairs had not been such as to increase the loyalty of his adherents. His marriage in 1719 with Clementina Sobieski, grand-daughter of John Sobieski, King of Poland, had been followed by conjugal scandals which sorely tried the fidelity even of such devoted followers as Lockhart[2]. To the disgust of these persons, also, he had, since his dismissal of Mar, surrounded himself with a band of contemptible sycophants whose petty intrigues degraded him in the eyes of all who had his best interests at heart[3]. When, in concluding his Memoirs with the year 1728, Lockhart reviews the prospects of the cause to which he had devoted himself with a loyalty that had not shrunk from questionable courses, it is with disillusion and despondency that he surveys the story of a life spent in vain.

1727—1734

The accession of George II made no change in the relative position of parties in the two countries. The new King retained his father's Ministers; and the new Parliament which met in January, 1728, contained a larger Whig majority than its predecessor. In Scotland, the peers

[1] Even Lockhart admits that George II "mounted the British throne with the favour of the populace."—*Memoirs*, II. 403.—Here, it will be noted, we are concerned only with Lockhart's opinion of James's conduct, which he leads us to suppose was the general opinion of Scottish Jacobites.

[2] Lockhart told him very frankly that his conduct towards his wife had seriously injured his cause in Britain.

[3] The Prince's whole conduct, says Lockhart, "gave the world a very unfavourable opinion of his prudence, justice, honour and gratitude."—*Ib.* p. 405.

nominated by the Government were chosen to a man; and the representatives of the shires and burghs were in an overwhelming majority on the same side. Thus the Argathelians were secured once more in their ascendency. Nevertheless the rule of Argyle and Islay was not generally satisfactory to the country; and even such good Whigs and Presbyterians as Wodrow were disposed to join with the Squadrone in accusing them of "bringing Scotland to direct slavery and dependence" upon England[1]. Every year the opposition to their policy grew more embittered; and every year saw an increase in the ranks of their adversaries. With their standing rivals, the Squadrone, were joined every Tory and Jacobite, peer and commoner, whose sole aim was to embarrass the Government by every means in their power. As the time drew near for the next election in 1734, no efforts were spared to effect a revolution in the representation of the country; and, as it happened, the situation in English politics materially strengthened the Opposition in Scotland. In 1733, Walpole's introduction of the Excise Bill concentrated the ranks of his enemies in a desperate effort to ruin him in the eyes of the country; and among his opponents were the Duke of Montrose, and the Earls of Marchmont and Stair. Montrose was deprived of the Privy Seal, Stair of the office of Vice-Admiral, and Marchmont of the office of Lord Registrar. All three promptly joined the Squadrone.

Another recruit to the ranks of the Squadrone deserves more than a passing mention as one of the remarkable figures of the time. This was James Erskine of Grange, brother of the Earl of Mar, who since 1706 had been one of the Lords of Session, and ostensibly the straitest of Presbyterians, though never free from the suspicion of Jacobite leanings. One incident in his life has its place among the *chroniques scandaleuses* of Scottish history. Married to an uncomfortable wife, he had her spirited away to the remote isle of St Kilda, gave out that

[1] Wodrow, *Analecta*, III. 436.

she was dead, and publicly celebrated her funeral. Lord Grange was, in fact, one of those persons who, to their own content, can combine zeal for religion, unscrupulous ambition, and the grosser appetites of sense. With all the violence of his nature he had long detested Walpole; and, now that that Minister was at bay, he determined to take a direct part in his final overthrow. In 1731 the office of Secretary for Scotland had been restored; and it was Grange's ambition to gain that highly important post. But to attain his end he must first be elected a member of the House of Commons; and here Lord Islay and Walpole resolved to checkmate him. Grange was a judge, but hitherto a place on the Bench had been no disqualification for representing a constituency. As it conveniently happened for Grange's enemies, however, an Election Bill was before the House of Commons in February, 1734; and into this Bill was introduced a clause making it illegal for a Scottish judge to sit in Parliament. "I will not be trampled by him, Lord Islay, and his dogs[1]," was Grange's comment on this stroke of his enemies; and he was as good as his word. He resigned his seat on the Bench and was returned for Clackmannanshire, though his sacrifice was not rewarded by the coveted Secretaryship. Out of intemperate party hate had at least come the desirable result that henceforward Scottish judges should hold themselves remote from political passion.

1733—1734

Strengthened by the accession of these recruits, the Squadrone redoubled their efforts to secure a majority in the coming election. We have seen that since the Union it had been the custom of the Government in power to send down a list of elective peers, known as the "King's list," and to use every means to have this list returned. On November 22, 1733, a numerous body of Scots peers met in Edinburgh, and resolved that such nomination was contrary to the Union Treaty and fatal to the freedom of Parliament[2]. In their efforts to secure a majority

[1] *Marchmont Papers*, II. 18.

[2] *Ib.* II. 4—9.

of elective peers the Squadrone had the eager support of the English Opposition in the House of Lords; and, in order to concoct their measures in common, the Scots and English peers founded the Rumpsteak or Liberty Club which met every Tuesday during the Parliamentary session[1]. As the result of their common counsels, the Marquis of Tweeddale (March 13, 1734) moved in the House of Commons that the Scottish peers should in future be elected by ballot[2]; and the Duke of Bedford (March 18) moved in the House of Lords that any undue attempt to influence the election of the peers of Scotland was a "high insult on the justice of the Crown[3]." Both motions were lost. In the following May came the elections for the House of Commons. The results were satisfactory to neither party: the numbers of the Opposition were considerably increased, but they fell short of what had been confidently hoped in the case of both countries. In regard to the election of the Scottish peers the Government had to put forth even more than its usual efforts to secure the return of its nominated list. So high did feeling rise by the day when the election came that a regiment had to be stationed before Holyrood palace to prevent the angry peers from breaking the peace. Mainly owing to Lord Islay's unscrupulous use of the varied means in his power, the Government list was again returned to a man[4].

The Argathelians were now, as it seemed, more closely bound to Walpole than ever; only by their joint interests and action had they been able to hold their own against their common enemies in the late election. 1736

[1] *Marchmont Papers*, II. 19. The Club was composed of 27 members, of whom eight were Scots—the Dukes of Queensberry and Montrose, the Marquis of Tweeddale, and the Earls of Buchan, Marchmont, Stair, Graham, and Ker.

[2] *Parliamentary History*, IX. 485. [3] *Ib.* p. 487.

[4] It is a notable proof of Islay's dexterity in the use of his means that, when the new Parliament met in January, 1735, neither in the Lords nor Commons could a definite charge of bribery and intimidation be proved against him.

Events during the next few years, however, were to prove that the bond between Walpole and the Argyle party was not indissoluble, and that there were limits beyond which they were not prepared to go when the interest and honour of Scotland seemed to be at stake. In 1736 an affair occurred in Scotland which a contemporary English statesman described as "one of the most extraordinary [incidents] that ever happened in any country[1]." This was the notorious Porteous Mob, in itself one of the most dramatic incidents in the national history, and made for ever memorable by the genius of Scott. Though the immediate occasion of this extraordinary manifestation was local and temporary, its causes and results were national and permanent. Ever since the Union the Scottish people had regarded it as their interest and duty to take every advantage of the allied country which, as they were convinced, had systematically sought to sacrifice their welfare to its own. As it happened, there was a standing opportunity of overreaching a Government which they persisted in regarding as an alien domination. The duties which had been imposed on the import of tea, brandy, and wine were held to be a wanton injustice which every good Scot was justified in eluding by every shift in his power. As the result of this conviction, the smuggling of these commodities became in point of fact a national business; along the entire seaboard the native residents, and notably the farmers and country gentlemen, were in conspiracy with the smugglers to outwit the Government officials. To inform against a smuggler was to risk both person and repute. In the whole nation there was but one class whose interest it was to oppose the illicit trade—the citizens of the royal burghs, who had the prescriptive privilege of importing foreign commodities. In a letter, written in the year of the Porteous Mob, the Convention of Royal Burghs bewailed the national evils which resulted from the "infamous trade of smuggling," and noted the fact

[1] This was the remark of Lord Carteret.—*Parliamentary History*, IX. 1291.

that not one out of a hundred of those who engaged in it eventually escaped ruin[1]. For more disinterested reasons than the Convention, the General Assembly formally denounced the national sin; but this was only to arraign human nature and the existing condition of things. Cupidity, patriotism, and the natural human delight in baffling the powers that be, were all-prevailing motives which only the growth of public opinion and of a more enlightened self-interest could avail to overcome[2].

It is in connection with Pittenweem, a petty coast town of Fife, that the story of the Mob begins. Two notorious smugglers, Robertson and Wilson, had on more than one occasion suffered at the hands of the Government officials; and, with no great shock to public opinion, they had sought to recoup themselves by robbing a Collector of Customs who happened to pass the night in that town. Apprehended and conveyed to the Tolbooth of Edinburgh, both were sentenced to death. Before the day of execution they made an attempt to break prison—an occurrence common enough at the time—and, but for an untoward accident, would have made good their escape. In concert with other fellow-prisoners, they succeeded in making an aperture in the window-grating of their cell, large enough to allow egress to a man of ordinary size. One of the party made his way out in safety; but when Wilson, a man of bulky frame, attempted to follow him, he stuck in the opening; and, the gaoler appearing on the scene, Robertson was thus prevented from making his escape. The Sunday before their execution came, when it was the custom for condemned criminals to be taken to church and admonished

1736

[1] *Records of the Convention of Royal Burghs*, III. 612—621.

[2] "If I were a clergyman in a smuggling town, I would *not* preach against smuggling...How could I show my hearers the immorality of going twenty miles in a boat, and honestly buying with their money a keg of brandy, except by a long deduction which they could not understand?"—Coleridge, *Table Talk*, July 28, 1830.

for the benefit of themselves and the congregation. While the church-bell was still ringing and the congregation still entering, the two comrades, doubtless by previous arrangement, simultaneously fell upon their guards and attempted to make their escape. Robertson succeeded in disentangling himself, and, as the congregation was little disposed to bar his progress, he made his way into the street. Less fortunate than his companion, Wilson was grappled as he was on the point of springing over the seat. His own escape being thus hopeless, he did his best for his mate, who had formerly lost his opportunity through his default. Seizing a guard with each hand and a third with his teeth, he held them so long that they were unable to give prompt chase to Robertson, who was never retaken[1]. In public opinion Wilson was now both a martyr and a hero; and the authorities deemed it necessary to take special precautions in connection with his execution, a regiment of the Welsh Fusiliers being stationed in the suburbs under the command of General Moyle. On April 14 Wilson was escorted to the place of execution in the Grassmarket by the City Guard commanded by Captain Porteous. From his own personal character and the nature of his office, which often brought him into collision with the rougher element in the town, Porteous was not a popular favourite. On the present occasion, it is said, he was not in a temper to perform his duties with discretion; he resented the presence of the military as a slight on his office, and, moreover, having just risen from dinner, he was somewhat heated with his potations. The execution was carried through without disturbance; but no sooner was the victim's body taken down than, as was not unusual on such occasions, the mob became restive, and discharged a volley of missiles at the executioner and the attendant Guard. Had Porteous been in a calmer temper, he might have remembered how Captain

[1] Dr Carlyle, who was present on the occasion, affirms positively that Wilson's first intention was to effect his own escape, and that his assisting Robertson was a second thought.—*Autobiography*, pp. 34—5.

Bushell had been found guilty for firing on the Glasgow mob and had owed his life to a royal pardon[1]. As the story goes, however, Porteous ordered his men to fire on their assailants, and showed the example by firing himself. His men obeyed the order, but, discharging their pieces over the heads of the mob, they shot several persons who had been viewing the spectacle from the neighbouring windows[2].

Popular indignation at once demanded that Porteous should be brought to account; and on the 20th of July he was unanimously found guilty by a jury of Edinburgh citizens —certainly in the circumstances not an impartial body—and sentence of death followed. But there were some calmer heads to whom it seemed that Porteous had but done his duty in teaching a lesson to a riotous mob, and that the evidence produced at the trial was contradictory and inconclusive. Signed by certain persons of high rank, an "application" for the commutation of the sentence to perpetual banishment was submitted to the Ministers prior to its being presented to Queen Caroline, then acting as regent in the absence of her husband. The Ministers agreed to support the application, but on a secret condition which throws an interesting light on the public life of the time: the Opposition should join in the petition as a pledge that they would not make political capital out of it. Thus supported by representatives of both parties, the application was presented to the Queen, who, vehemently sympathising with Porteous, granted a respite for six weeks, which was made known five days before the date fixed for the execution[3].

The announcement of the respite was received with general indignation throughout Scotland; and, as the 8th of September,

[1] See *ante*, p. 208.

[2] The exact number killed was never known. Carlyle, who had been taken by his tutor to see the execution, conjectured that there may have been eight or nine killed and as many wounded.—*Autobiography*, p. 37.

[3] Omond, *The Lord Advocates of Scotland* (Edin. 1883), I. 351.

the date fixed for the execution, approached, there was a premonition in the air that "something extraordinary" would anticipate the course of events[1]. The premonition was not unfounded: on the night of the 7th, just before the gates of the city were closed, a number of persons began to assemble in the suburb known as Portsburgh—a quarter inhabited by the poorer classes of the town. Their proceedings at once showed that a plan of action had been carefully premeditated. On the beating of a drum, their numbers were increased to some thousands, and they promptly secured in succession the West Port and the ports of the Cowgate and Netherbow, thus cutting off Moyle and his Fusiliers from all communication with the interior of the city. Their next step gave evidence of an equally well-matured purpose: they surrounded the quarters of the City Guard, took possession of their weapons, and dismissed them unharmed. Then, as by an understood compact, they made for the Tolbooth, and their object became apparent. Their demand for admittance being refused, they proceeded to batter the door with implements which had apparently been carefully provided. All their efforts having failed, tar-barrels and other combustible materials were next applied with the desired result. Meanwhile, their intended victim, confident that the law would not take effect on the morrow, had by the irony of fate been making merry with a company of his friends specially invited for the occasion. The uproar of the mob before his prison left him in no doubt as to their object; and he endeavoured to escape by the chimney of his chamber, but found his ascent barred by an iron grating. Speedily discovered by the leaders of the riot, he was sternly informed of the doom that awaited him. With the same cool deliberation that had characterised all their proceedings, the avengers now went about their final act. Setting aside all his prayers and offers of

[1] Carlyle says that he was so "prepossessed" that he dreamt he saw Porteous hanged in the Grassmarket, and that his dream was fulfilled in the course of the next day.—*Autobiography*, p. 39.

reward, they handed his money and papers to one of his friends, a fellow-prisoner, and even produced a person to offer him the last offices of religion. As he refused to walk, he was carried by two of the rioters to the usual place of execution in the Grassmarket. Strange to say, the self-constituted ministers of justice had forgotten the two most important accessories of the business in hand—a rope and gallows. The rope was procured from a neighbouring booth—a guinea being generously deposited in payment; and a dyer's pole was substituted for the gallows. In such circumstances the ghastly work could hardly be deftly done; and the struggles of the victim, the bungling of the operators, and the awkwardness of the instrument converted the execution into a brutal murder. The deed done, the mob disappeared as mysteriously as it had arisen and, when morning broke, the only tokens that remained of the horrors of the past night were the suspended body of Porteous and the littered street.

Such an outrageous defiance of authority in the capital of Scotland could not be ignored by the Government, which naturally suspected that a deed carried out with such an appearance of premeditation was not the work of a casual mob but the calculated attempt of a disloyal party to discredit it in the eyes of a disaffected nation[1]. The wrath of the Ministers was mainly directed against the magistrates of the town, who, indeed, could make but a poor show in their own defence. When the riot broke out, they were assembled in a tavern in the Parliament Close—according to their enemies, engaged in merry-making; according to their own account, deliberating on measures to restore order in the town. They sent verbal messages to General Moyle and the Commander of the Castle

[1] The riot, says Carlyle, was represented to the Government "as a dangerous plot and was ignorantly connected with a great meeting of the Covenanters, of whom many still remained in Galloway and the West, which had been held in summer in the Pentland Hills to renew the Covenant."—*Autobiography*, p. 39.

requesting them to deal with the rioters; but these officers, perhaps remembering the case of Captain Bushell, refused to act without a written order. With such a force as they could bring together, they had even made an attempt to suppress the tumult, but were resolutely beaten back by the overwhelming numbers of the mob. What they could not excuse was that, in view of the notorious state of public opinion, they had not taken such precautions as to preclude the possibility of any riot at all.

1736—1737

The first step of the Government was to insist on a rigorous enquiry into all the circumstances of the affair. Lord Islay, Forbes, the Lord Advocate, and James Erskine, the Solicitor-General, sedulously set to work at the investigation; but there was a conspiracy of silence, and from such persons as were examined no information was to be extracted. Only two persons, one an idiot, were brought to trial; and, as no evidence against them was forthcoming, both were acquitted. But if individuals could not be brought to punishment, the city might at least be made to suffer for its contumacy. When Parliament met on February 1, 1737, the House of Lords at once took action to effect this end; and a Bill of Pains and Penalties was brought in for the chastisement of the offending city. By the terms of this Bill the Provost was declared incapable of public office, and condemned to a term of imprisonment; the town charter was to be destroyed, the City Guard abolished; and (crowning insult to the capital of Scotland) the port of Netherbow was to be razed. Opposed by the Duke of Argyle and the other Scottish peers, the Bill had the support of the peers of England—the Opposition reflecting that the harshness of the measure would render the Government still more unpopular throughout Scotland. One circumstance in connection with the proceedings materially contributed to this last result: with the object of eliciting further information regarding the riot the Scottish judges were summoned before the Lords, and, to the indignation of every

Scot, were made to stand at the bar—the custom in the case of English judges being that they sat on the woolsack or came to the table when giving evidence before the House.

The Bill easily passed the Lords, but in the Commons it met with a different reception. The Scottish members to a man opposed it as an insult to their nation; and the Crown officials, Forbes, the Lord Advocate, and Erskine, the Solicitor-General, denounced it as foolish in itself and disastrous at once in the interests of both kingdoms and of the Government. As the Scots were supported by many of the English members, Walpole saw the impolicy of pressing the measure, and agreed to a succession of amendments which denuded it of its most offensive features. As the Bill finally emerged, it simply imposed a fine of £2000 sterling on the city as an indemnification to the widow of the unhappy Porteous, and deposed and disqualified the Provost. Thus, as was cynically remarked by Lord Hervey, five months had been spent in the endeavour to debar a man from an office which he did not covet, and to reconcile a cook-maid to the death of her husband. Another Act passed in connection with the Porteous riot was as inept as it was ill-advised: ministers were ordered to read from their pulpits, on the first Sunday of every month, for the space of a year, a proclamation urging their flocks to do their utmost to discover the murderers of Porteous and to bring them to justice. There was a double implication in this Act which awoke the tenderest scruples on the part of many of the clergy: it implied an interference of the State with the Church which was flat Erastianism; and the occurrence in the proclamation of the expression, "Lords Spiritual assembled," committed those who read it to the recognition of an order which it was their fundamental principle to regard as unscriptural. Throughout the whole business connected with the riot, the two political parties had warily watched its bearing on their respective interests. The interests of both alike had united them in opposing the original Bill of

1737

Pains and Penalties against the city of Edinburgh; but the proclamation offered an opportunity for discrediting the Government which the Squadrone did not allow to slip. They convened meetings of the ministers in Edinburgh; corresponded with those in the country, and sedulously strove to foment the general dissatisfaction with the Government order. As Lord Islay had not concealed his opinion that the "high-flyers" among the ministers had given the rioters their blessing, that section needed no encouragement to defy the order to read the proclamation. At least one half of the ministers disobeyed the law; but so universal was the indignation against the proceeding of the Government that it was deemed prudent not to enforce the penalties of disobedience[1]. As a general result of the Porteous Riot, the national antipathy to Walpole, engendered by his policy from the beginning, was heightened to fury; and the day was to come when the nation was to have its revenge[2].

In the year 1737 happened the two events that eventually proved fatal to the authority of Walpole. By the death of Queen Caroline he was deprived of the main support which had enabled him to hold his enemies at bay; and, as the result of the quarrel between the King and the Prince of Wales, the Prince identified himself with the Opposition, and thus removed from it the taunt that it was a mere band of Jacobite conspirators. In Scotland the defection of Argyle was another serious blow to the existing Government. Between him and Walpole there was a permanent antagonism which their respective characters sufficiently explain; and it had been only the bond of common interests that had hitherto permitted their working in concert. In the proceedings connected with the Porteous

[1] Carlyle says that the case of conscience created by the Proclamation caused "anxious days and sleepless nights to such ministers as had families."—*Autobiography*, pp. 40—1.

[2] An excellent account of the Porteous Mob is given by Mr A. H. Millar in a series of articles contributed to the *People's Friend* (Dundee, June 11—August 13, 1887), and based on original documents.

Riot their relations had grown so strained that reconciliation became impossible; and henceforward Argyle openly took his place among the ranks of Walpole's enemies[1]. Strengthened by the accession of Argyle, therefore, Squadrone and Jacobites alike confidently reckoned that the next election would at length rid them of a Minister who had so long thwarted their ambition, and who, in the opinion of the majority of the nation, had systematically directed the affairs of Scotland in the interests of his own ascendency.

The election came in April and May, 1741; and its result, so far as Scotland was concerned, was a triumphant victory for the Opposition, only six out of the forty-five members being returned for the Court. On February 2, 1742, Walpole left the House of Commons for the last time; and the administration of Carteret and Newcastle that followed involved a revolution in the policy of the Government of Scotland. The Marquis of Tweeddale, one of the chiefs of the Squadrone, was appointed to the revived office of Secretary of State, but as strictly under the direction of Carteret as his predecessors had been under the direction of Walpole. The position of Argyle under the new Administration was as embarrassing to himself as to the new Ministers. He was but a recent recruit of the victorious party, but his services in the late election had been such as could not be overlooked; and he received a place in the Cabinet with the full approval of the King, who as Prince of Wales had been his admirer and supporter. In the new conditions, however, it was impossible for him to retain his former ascendency in the affairs of Scotland. His nominees remained in their offices, but this was only under sufferance; and, when he asserted himself against the new Scottish Secretary, Carteret bluntly told him that things were now to be differently managed in Scotland. His haughty spirit could not brook the humiliation; and in March, 1742, he resigned his office and openly joined

[1] Argyle's brother, Lord Islay, however, remained faithful to Walpole.

the Tory opposition[1]. For seventeen years he had dominated Scotland as no subject had ever done before him. By his enemies he was accused of unscrupulously subordinating the interests of the country to those of his own party; and even good Whigs, we have seen, reproached him with governing Scotland too much in the interest of England. The best justification of his policy is that it was approved and ardently supported by the most upright and most sagacious Scottish statesman of the time—Duncan Forbes of Culloden. From 1725 to 1732—the period of Argyle's greatest ascendency—Forbes had held the office of Lord Advocate[2]; and it is significant that both dissociated themselves from Walpole at the same time and for the same reason—the conduct of that Minister in connection with the Porteous Riot. Argyle did not long survive his loss of power. On the 27th of May, 1742, he spoke in the House of Lords for the last time, and died at Sudbrooke in Surrey on October 4th of the following year[3].

With the fall of Argyle closes a well-defined chapter in the national history, but to the last years of his supremacy belongs a matter which deserves passing mention. Since the accession of George I the country had been convincingly reminded that the Highlands of Scotland were still capable of disturbing the peace of the nation and even of endangering the existing Government. The rebellion of 1715 had indeed been successfully crushed; but it was fully perceived that only the oppor-

[1] As the Pretender, encouraged by the assurances of Lockhart, had always entertained the hope that Argyle would eventually join his cause, he now wrote a letter to him, the purport of which Argyle communicated to the Government.—Campbell, *Life of John, Duke of Argyle* (Lond. 1745), p. 341. Cf. Lang, *History of Scotland*, IV. 436, on Argyle's relations with the Jacobites.

[2] On the death of Sir Hugh Dalrymple in 1737, Forbes was appointed Lord President of the Court of Session.

[3] *The Scottish Peerage*, edited by Sir James Balfour Paul, Lyon King-of-Arms (Edin. 1904), I. 376. As Argyle left no male issue, he was succeeded in his Scottish titles by his brother, Lord Islay.

tunity was needed for a similar rising in favour of the exiled House, and that such an opportunity would come whenever Britain should be involved in a foreign war. In 1738 there was every indication that war with Spain was imminent; and the Jacobites at once set to work among the clans to prepare them for the expected opportunity. It was then that the sagacious Forbes conceived a scheme which, if it had been carried out, might have gone far to avert the threatened danger. Thoroughly acquainted with the state of the Highlands, and on intimate terms with many of the chiefs, he was himself the best judge of the practicability of his scheme. According to this plan, 4000 or 5000 men were to be raised in the Highlands, and, placed under the command of chiefs and other gentlemen of consequence, were to be sent to fight abroad wherever their services might be required. Thus, as Forbes reasoned, they would at once be hostages for the loyalty of their friends at home, and a valuable addition to the fighting force of the country. Both Lord Islay and Walpole approved of the plan, but in the political conditions of the time Walpole shrank from putting it into execution. In England the raising of such a body of men would have been denounced as a dangerous increase of the standing army; Scotland, ever jealous of her national independence, would have regarded such a force as another Highland Host that would be a formidable weapon in the hands of the Government; and finally, there was the not remote possibility that by some turn of events it might be a grave menace to the Government itself. About the very time, indeed, when Forbes made his proposal, the Government received a significant warning of the danger that might attend the experiment of giving it effect[1].

The employment of Highlanders for overawing their unruly fellow-countrymen dates from the reign of James VI; but it was under General Wade, as we have seen, that they were first utilised effectively on a considerable scale. As the Highlanders

[1] *Culloden Papers*, p. xxxi.

thus employed retained their native dress, they were known as the "Black Watch" to distinguish them from the regular troops, who were known as the "Red Soldiers" from their scarlet uniform. About 1730 the Government took the important step of forming the Black Watch into six companies, placing them under the command of such chiefs and gentlemen as had given satisfactory proofs of their loyalty. In 1739 the further step was taken of forming these companies, augmented by four additional companies, into a regiment of the line. Thus originated the regiment which, first under the designation of the 43rd and subsequently of the 42nd, was to win for itself such an honourable name in the annals of British heroism. The first incident in its history was not auspicious. In 1743 an order was received for the regiment to proceed into England in March of that year. As officers and men were alike under the impression that the service of the regiment was to be restricted to Scotland, the order was received with indignation; and curiously enough, Duncan Forbes, now Lord President of the Court of Session, expressed his strong disapproval of this proceeding of the Government. When it was explained, however, that the sole reason for the order was that the King might have the opportunity of seeing a Highland regiment, it was with feelings of flattered vanity that the regiment began its march to London. During the march through England they received the friendliest attentions on the part of the people, but as they approached the capital they were subjected to jeers and taunts which at home they would promptly have avenged with the dirk. On May 14th they were reviewed on Finchley Common by Marshal Wade, to whom many of the officers and men were familiar acquaintances. The flattering notice of great persons, however, could not conceal from the proud Highlanders—most of whom, even the privates, belonged to the rank of gentlemen—that they only afforded an amusing spectacle for the multitudes who came to gaze at them. In the temper in which they now were, they were ready to believe any

tale regarding the ultimate intentions of the Government; and by the Jacobite agents, who were present everywhere, they were told that they had been decoyed to London with the express object of their being transported to the plantations. One morning, a few days after the review, the bulk of the regiment was not to be seen; and it was discovered that they were in rapid march to their native mountains. A regiment of cavalry was immediately dispatched on their track, and came up with them about four miles from Oundle in Northamptonshire. After some persuasion they consented to surrender, and were brought to London, where they were tried by court-martial. All were found guilty and condemned to be shot; but the sentence was carried out only in the case of two non-commissioned officers and a private—two hundred of the deserters being distributed among different regiments serving abroad[1].

[1] Stewart, *Sketches of Character, Manners, and Present State of the Highlanders of Scotland* (Edin. 1822), I. 240—261.

CHAPTER VI.

RELIGION—SOCIAL PROGRESS, 1714—1745.

I. Religion.

In the foregoing narrative of public affairs from the Revolution of 1689 there is a peculiarity which distinguishes it from the narrative of the entire period between that event and the Reformation. From the Reformation to the Revolution religion was the dominant factor in the determination of public policy. The critical events of that period were all the direct issue of the change in the national religion that had been effected by the Estates in 1560. It was religion that had dethroned Mary and Charles I and James VII; and these successive events mark the turning-points in the national destinies throughout the entire period. But, from the Revolution onwards, religion is no longer the prime consideration that rules the counsels of statesmen and gives its character to their policy. Religion could not indeed be ignored, since the Protestantism which the nation had adopted was now vitally bound up with its well-being. But the great public transactions that had been effected since the Revolution were not primarily in the interest of religion. The Union of the Parliaments was not accomplished for the special purpose of conserving the Church which had been established as the result of the Revolution: it was the welfare of the nation in all its interests which the promoters of the Union had in view in linking the two nations in a common destiny. Even in the case of the Protestant Succession, the

leading motive of statesmen was not the conviction of the divine origin of Protestantism but the conviction that Protestantism was identified with public liberty and, therefore, with the free development of the national resources. Thus it is that, subsequent to the Revolution, religion no longer constitutes the warp and woof of the story of the Scottish people, and becomes but one of the diverse strands of which the entire web is composed. Trade, commerce, industry, literature, and developing thought become concurrent factors with it in the growth of national life; and, like these various interests, it is but one other phase of the national mind. In this transformation of the national aims and ideals, it is to be noted, Scotland was but following the lead of other countries of Western Europe. In England, throughout the 17th century, material interests had gradually over-ridden the concern for religion and the Church; Holland had long been a nation of traders; and Louis XIV had made the Church in France a mere personal and political convenience.

Besides dethroning religion from its supreme place in the public counsels, the secular spirit was even more vitally affecting it in another direction. The 17th century had seen not only the rapid development of material interests but the decisive appearance of the scientific spirit alike with reference to man and nature. A century which had produced thinkers like Descartes and Hobbes and Spinoza could not but look with critical eyes into the traditional religion which professed to solve the mysteries of God and man. For thinking men the discovery that the earth was not the centre of the universe awoke a spirit of speculation that questioned the foundations on which Christian Europe had hitherto based its faith and its hopes. By the beginning of the 18th century, as the conjoint result of expanding secular interests and the growth of the scientific spirit, thinkers in every country were more or less openly assailing Christianity alike in its origin and its teaching. In 1736 these tendencies, originated by the English Deistical

writers, Lord Herbert of Cherbury, Blount, Tindal, and Toland, found their definitive expression in the *Theologia Naturalis* of Christian Wolff, in which it was proclaimed that reason was the philosopher's stone by which all knowledge and experience must be tested. It was the watchword and battle-cry of the *Aufklärung*, which throughout the 18th century divided the theologians of every country, and of Scotland among the rest. It was a controversy that touched the life of Christianity at once as a system of doctrine and a system of ethics; and the champions on either side could emphatically say, as Luther said to Zwingli, "you are of another spirit from us." In the history of religion in Scotland throughout the 18th century we discern the conflict of these tendencies underlying all the controversies that harassed and dismembered her national Church.

From the Reformation to the Revolution, the Protestantism of Scotland had been haunted by one terror—the terror of a revived Catholicism. With the expulsion of James VII this dread was finally removed, but only to be replaced by another spectre which gradually assumed more terrible proportions. In the case of those who represented the tradition of the Covenants it is no longer Rome that perplexes and disquiets them regarding the future of their religion; it is the growing spirit of scepticism which at home and abroad threatens to sap the foundations on which their faith rested. From the religious writings of the period we gather how vividly the appearance of the new enemy was realised. In the pages of Wodrow—a timorously devout soul, yet curiously inquisitive regarding every novelty in speculation[1]—we see reflected all the perplexity of the type which he represented. He himself reads the *Journal des Savans* and the letters of the arch-sceptic Bayle[2], but he does so with fear and trembling; and it is with pious horror that he records that the Divinity students of Glasgow

[1] Wodrow himself speaks of what he calls his "Athenian temper."—*Correspondence*, II. 361, 391.

[2] *Ib.* II. 12, 213.

"very openly oppose the Confession of Faith, and that this spreads extremely through the young merchants and others[1]." From Edinburgh, also, he hears that there are "secret Atheisticall Clubs" in that town, imitated, he is told, from the Hell-fire Club in London[2]. More portentous still—there is a class of young ministers entering the Church known as the "Bright Youths" or the "Oratoriall Preachers[3]," who provide their congregations with the husks of heathen morality instead of the substance of sound doctrine.

In presence of these new tendencies it was inevitable that there should be a division of opinion regarding the temper and attitude in which the Church should encounter them. So it was that one class of ministers, the spiritual successors of the upholders of the Covenants, were convinced that to yield an inch to the enemy was to yield all. With an instinctive prescience they perceived that, if the human intellect were once allowed to play freely on the Christian mysteries, there could be no limit to the process. In this conviction they clung to the faith that had been handed down to them, not only because they believed it to be true, but because the suggestion of error was a menace to the foundation of religion itself. As it was with doctrine, so was it with the rule of life. Like the Jansenists of France and the Pietists of Germany, they held that religion could be conserved only by the renunciation of every unnecessary distraction from the tremendous prospect of an appointed day of reckoning. As rigidly as the German Pietists, they defined the sphere within which Christians could dwell with security, because only from within this entrenched ground could they successfully resist the enemy of souls. They abjured the world's amusements, not because they were in themselves sinful, but because they gave occasion to sin[4]. In religion, as in theology, they conceived, the only

[1] *Analecta*, III. 170. [2] *Ib.* 309. [3] *Ib.* IV. 238.

[4] It should be said that Ebenezer Erskine, the founder of the Secession Church, enjoyed a game at bowls on the green at Stirling; and that his

security against the new peril lay in walking in the way of their fathers.

To minds of another class it seemed that the enemy should be met in a different fashion. He should be met with his own weapons—the weapons of reason and accommodation. The doctrines of religion should be adapted to common sense, and its rules of conduct adjusted to the life of average humanity. Thus the impugners of Christianity would be disarmed, and religion placed on a foundation from which it could not be dislodged. Within the Church itself the opposition of these two classes of men is clearly visible during the first half of the 18th century; but it was in its latter half that their fundamental antagonism impressed itself on the Church's history and produced two types of religion mutually repellent and irreconcilable.

At the Revolution Presbyterianism had received the sanction of the State, but, both within and without its own body, it was speedily beset with many troubles. It was a grievous fact that a numerous body of the people, especially in the northern counties, remained staunchly Episcopalian and refused to enter the communion of the Established Church. Moreover, though the Treaty of Union had renewed the guarantee of the Revolution, the subsequent action of the State had raised grave fears regarding the security of the Church's privileges and jurisdiction. The decision in the case of Greenshields (p. 146), the Act of Toleration, the restoration of patronage, the Oath of Abjuration, had seemed to show that the Church was at the mercy of whatever statesmen might chance to have the direction of affairs. Of all these grievances it was the Abjuration Oath that for a time was the occasion of the most serious trouble. That a Presbyterian should be required to take an oath implying that the sovereign should be an Episcopalian, was naturally regarded as an outrage on his Church and his

brother Ralph, like Cardinal Newman, solaced himself with the violin, though not without some scruples of conscience.

individual conscience. To the exaction of this oath more than to any other cause was due that discontent with the Union so widely spread among the Presbyterians, who yet never wavered in their allegiance to the Protestant Succession[1]. The accession of George I was ardently welcomed by the great majority in the Established Church; but an almost equal majority desired the dissolution of the Union. First in 1715, therefore, and still further in 1719, the terms of the oath were modified to meet scrupulous consciences. Ministers were still required to abjure the Pretender, but they were no longer made to affirm that the sovereign must be an Episcopalian. Even this concession, however, did not satisfy the "high-flyers" of the south-western shires[2]: in their eyes an oath imposed by the State was an impious invasion of the privileges of the Kirk; and they refused to follow the example of their defecting brethren—the authorities for the most part prudently ignoring their obduracy.

Thus perturbed from without by the action of the State, the Church had its troubles within its own bosom. It was unfortunate, also, that at this critical period of transition she had no commanding mind to control opposing tendencies and give unity to their action. In 1715 she had lost her sage leader Carstares; and, though many among her ministers were learned and able men, there was no one pre-eminent for the gifts and experience which had given Carstares his position in the direction of her affairs[3]. In the wavering action of the Assemblies throughout the controversies immediately awaiting her the lack of a master-mind was to be lamentably illustrated. As the history of religion has shown, the most dangerous

[1] Wodrow gives what he considers an approximate list of the Presbyterian non-jurors in 1712.—*Correspondence*, I. 311.

[2] About a third of the whole ministry refused to take the oath after the Act of 1719.—*Spalding Miscellany*, I. 247.

[3] An admirable characterisation of Carstares is given by Mr Mathieson in his *Scotland and the Union* (Glasgow, 1905), p. 214.

enemies of a church are the propounders of novel doctrines within its own fold; and its gravest responsibility is to mete judgment with charity to its erring sons. During the quarter of a century that followed the accession of George I, the absorbing business of the Church Courts was the consideration of heresies which in the opinion of the majority threatened the alternatives of schism or disintegration.

The first disturber of the peace was John Simson, Professor of Divinity in the University of Glasgow, who in 1714 was charged before the General Assembly with teaching Arminianism—name of sinister suggestion in the history of the Scottish Church. From all we know of Simson, he was one of those persons who, with little force of moral conviction and with no taste for any form of martyrdom, find an intellectual delight in dialectic play with abstract problems. The great majority of the ministers were at least nominally faithful to the doctrines of the Westminster Confession; and such a charge against a teacher of future divines could not be ignored. For three years the question of Simson's orthodoxy perplexed the mind of the Church; but at length, in 1717, the Assembly found that, though he had been guilty of indiscretion, he was not a proved heretic, and contented itself with the admonition that he should be more circumspect in future. It was to be convincingly proved, however, that the suspicion of Simson's heterodox leanings was but too well founded. In 1726 it was intimated to the Assembly that he was infecting his students with poison still more deadly than that of Arminius. The charge now brought against him was that he was busy propagating Arianism, the resuscitated heresy of the age, which had counted among its adherents personages no less illustrious than Milton, Locke, and Sir Isaac Newton[1]. Again successive Assemblies were puzzled and divided as to what should be done with the

[1] Wodrow was aware that Newton was an Arian, but rejoiced that nothing was found in his posthumous papers that bore on the Trinitarian Controversy.—*Analecta*, III. 461.

dangerous Professor. Simson was subtle and slippery; the questions raised in the case lay in the profoundest regions of metaphysic; and the passions evoked by the protracted controversy only farther darkened its issues. Eventually, in 1729, after four years' trying suspense, Simson was found guilty of erroneous teaching and suspended from his office, though the Assembly allowed him to retain his emoluments[1].

To the same period as the case of Simson belongs another theological controversy which more deeply affected the well-being of the Church, and was to be attended with far-reaching consequences. This was the famous Marrow Controversy, which turned on the mysterious doctrine of grace with reference to the redemption of sinners. Originating, as it might seem, in a mere accident, the long debate was yet the direct issue of an opposition of tendencies within the Church which sooner or later was bound to result in schism. The unintentional originator of the controversy was the Rev. Thomas Boston, minister of Ettrick, whose book on the "Fourfold State" long supplied the spiritual nutriment of a considerable section of his countrymen. In the house of one of his parishioners Boston found a work entitled *The Marrow of Modern Divinity*, published in 1646, and long erroneously ascribed to Edward Fisher, a graduate of Oxford[2]. The book had found much acceptance in England, as the numerous editions of it had proved; and to Boston it brought the revelation of "a free, open and unrestrained gospel." He communicated his happy discovery to certain sympathetic brethren, with the result that the first part of the book was published in 1718 for the edification of Christians in Scotland. Immediately there arose a conflict regarding the teaching of the *Marrow*, which revealed a profound division of spirit among the ministers of the national

[1] A detailed account of the Simson case is given in the *Correspondence* of Wodrow. The authoritative narrative of the case is to be found in the "Processes against Simson."

[2] See *Dict. of Nat. Biog.*, *s.v.* Fisher, Edward.

Church. It was attacked by Principal Hadow of St Andrews, one of the most vehement opponents of Simson, as inculcating rank antinomianism and thus contradicting at once the standards of the Church and the message of Scripture. In 1720 the General Assembly endorsed the opinion of Hadow, only four members dissenting from its resolution. But, to the friends of the *Marrow*, the judgment of the Assembly betrayed equally a misapprehension of its teaching and an erroneous conception of the Gospel itself. In the following year twelve of them "represented" to the Assembly that it should reconsider its decision as based on a misconception of the precious volume. From the next Assembly (1722) came its response to the "representation"; by a vote of a hundred and thirty-four against five the "Marrow-men" were formally rebuked at the bar of the House[1]. So far as the Assembly was concerned, this was the end of the controversy; but the conflict had elicited and accentuated an antagonism of tendencies within the national Church which was to be disastrous in the immediate future. In their representation to the Assembly the Marrow-men had clearly indicated wherein the antagonism lay: it was "a growing humour" of the time, they said, to turn religion into mere morality; and the Assembly in condemning the *Marrow* had identified itself with this humour[2].

The echoes of the Marrow Controversy had hardly died away when the Church had to face another revolt against its authority which was to result in more momentous issues. In point of fact the same opposing principles underlay both controversies, though each had its origin in a special question regarding which the Church was found to be irreconcilably divided. The new occasion of strife was the Act restoring Patronage, which had

[1] Undeterred by the censure of the Assembly, Boston published a complete edition of the *Marrow* in 1727.

[2] A detailed account of the Marrow Controversy is given by Dr M'Crie in the *Christian Instructor*, Vols. xxx., xxxi.

been passed in 1712 through the intrigues of Jacobite politicians. Unhallowed in its origin and generally detested by ministers and laity alike, it had practically remained a dead letter till about the year 1730. Towards that date, however, there appeared a tendency to give effect to the legal rights of patrons and to over-ride the wishes of the congregations. In 1730 twelve cases of alleged intrusion came before the Assembly; and, as it had itself authorised such intrusions, it now found itself in collision with a considerable number of presbyteries in different parts of the country. An Act which it passed in 1732 decisively showed that its sympathies were no longer with popular election, and was the immediate occasion of the disaster that was to follow. According to this Act, the right of electing and calling a minister was to lie with the heritors and elders; if the congregation disapproved of their choice, the decision was to lie with the Presbytery. The vote of the presbyteries, on which the Assembly had proceeded, had shown that there was a numerous body within the Church who disapproved of the Act; and before the Assembly closed it received a significant warning of the issues it had raised. The warning voice was that of Ebenezer Erskine, then minister of Stirling, who as non-juror and Marrow-man had already distinguished himself as a champion of popular rights and a "free gospel." His own subsequent proceedings showed that he was prepared to give effect to his denunciation. In October (1732) he preached a sermon before the Synod of Perth and Stirling, in which he virtually proclaimed himself a rebel against the Assembly's authority. Censured by the Synod and subsequently by the Assembly, Erskine remained immovable; and, along with three other ministers who had identified themselves with him, he was, in November, 1733, declared by a Commission of Assembly to be no longer a minister of the Church. The reply of Erskine and his associates was what is known as the First or Extra-Judicial Testimony, in which they appealed to the "first free, faithful and reforming General Assembly of the

Church of Scotland." The action of the Assemblies that immediately followed implied a condemnation of their previous proceedings. The Assembly of 1734 rescinded the Acts which had occasioned the protest of Erskine, and vainly empowered the Synod of Perth and Stirling to "repone" the refractory four in their parishes. Still in a mood of concession, the Assembly of 1735 sent a special deputation to London to petition for the abolition of patronage; and that of 1736 declared that it was contrary to the principles of the Church that ministers should be thrust on unwilling congregations. In the eyes of the four, however, these concessions did not represent the real mind of the prevailing party in the Church: in 1736 that party had condoned the teaching of Professor Campbell, the first full-fledged specimen of the "Moderate[1]" whom the Church had hitherto brought forth, and had thus revealed its true spirit. At the close of 1736 the inexorable four issued a second manifesto, known as the "Judicial Testimony," which was at once an indictment of the Church and of society at large. The backslidings of the Church, the great betrayal of the Union, the recent repeal of the laws against witchcraft, all came alike under their sweeping condemnation. After such a deliverance reconciliation would have been a mockery. Yet it was not till 1740 that the Assembly finally cast forth its recalcitrant sons, then increased to the number of eight[2]. Such was the origin of the first "Secession" from the Church which had been re-established at the Revolution; and, whatever might be the theories of its originators, they could never in point of fact have found a permanent home in a national Church whose only guarantee of continuity is that it responds to the movement of the national mind.

While the national Church was being thus tried by its refractory sons and by an obdurate Government, Episco-

[1] The specific sense attached to the term "Moderate" in Scottish ecclesiastical history belongs to the latter half of the 18th century.

[2] They were deposed by a vote of 140 against 30.

palianism, which had been set aside in its favour, was having its own melancholy experiences. In its case, also, its troubles came partly from without and partly from within; it had an enemy in the Church which had displaced it, and it had in the Government an unsympathetic and suspicious guardian. Zealous General Assemblies insisted on thrusting ministers on Episcopalian congregations—an enterprise which, in Forfarshire and Aberdeenshire, where Episcopalianism was strong, had frequently to be carried through by the arm of the flesh. Though the Government did not sympathise with the Assembly's zeal, and made some effort to moderate it, it had reasons of its own for regarding Episcopalianism with well-grounded distrust. Naturally the Episcopalians had little affection for a *régime* which had deprived them of their official status, and looked with longing hope to a possible restoration of the exiled family. From the days of the Revolution they had given sufficient proof of their disaffection; but it was only during the rising of The 'Fifteen that as a body they had decisively shown that they were prepared to do their utmost to effect a counter-revolution. By word and deed they had ardently supported Mar, and they had effusively welcomed the Stewart prince on his arrival in Scotland. They had cast their die and lost; and they had little ground for complaint, therefore, when the Government took such measures against them as might avert a repetition of their mischievous action. The Act of 1719, which relieved the Presbyterians from their chief scruple at the Oath of Abjuration, treated Episcopalians not as troublesome sectaries but as political conspirators. Under the penalty of six months' imprisonment, no clergyman was to minister to more than nine persons in addition to the members of a household without expressly praying for King George. Only justifiable by the circumstances that called it forth, the statute was never stringently enforced; and, as the apprehension of fresh Jacobite attempts passed away, it practically became a dead letter[1].

[1] Grub, *Ecclesiastical History of Scotland*, III. 378—9.

It was, in truth, "the King over the Water" and not King George who was the worst enemy of the disinherited Church. True to the traditions of his House, the exiled prince regarded the Episcopal Church merely as a convenient political instrument for the advancement of his personal interests. Like his immediate ancestors he asserted the right of appointing bishops by his sole authority, choosing them not on account of their fitness for their episcopal functions but for their suitability as agents of his cause. Even in the days when Episcopacy was in the ascendant, this exercise of the royal authority had been resented as an intrusion on the rights of the Church. Now, however, when the King was but a King in name, it was felt by many to be a stretch of authority to which it was unnecessary to submit. The result was a disastrous cleavage in the Church, giving rise to dissensions, the pitiful story of which is told from his own political point of view by the arch-plotter Lockhart.

By an unhappy coincidence, the controversy was embittered by a further difference which proved that in the Episcopalian, as in the Presbyterian body, there was an opposition of spirit and tendency which could only issue in schism. The different nature of the disputes in the respective Churches throws an interesting light on the two types of religion in Scotland which had now confronted each other for more than a century. It was on points of metaphysical theology and on patronage that the Presbyterian General Assembly had found itself a divided body; it was on points of form and ceremony that the same disaster befell the Episcopalians. The party among them who stood out for ecclesiastical independence were equally eager for certain liturgical changes which, they maintained, had the sanction and example of the primitive Church. These "Usages," as they were styled, were the mixing of water with wine, the Commemoration of the faithful departed, the use of an express prayer of Invocation, and of a formal prayer of Oblation in connection with the Eucharist. From the beginning, Scottish Episcopalians had been as averse from ritual as the Presbyterians; and there had been little difference in the

public religious services of their respective Churches. To the adoption of the Usages, therefore, the majority of both the Episcopalian clergy and laity at first presented a strenuous opposition. Gradually, however, the zeal and learning of the party of innovation prevailed; and by the close of our period that party had become predominant in the Episcopalian Church.

II. Social and Industrial Progress.

While the Churches were thus distracted by controversies regarding doctrines and forms, the mind of the people at large was preoccupied with other matters. Under the new conditions determined by the Treaty of Union, Scotland had become one of the international competitors for the markets of the world. During the period before us (1714—1745) she was making her first tentative efforts to follow the example of those more prosperous countries that had been leading the way in developing their internal resources and extending their home and foreign trade. Her first experiences under the new conditions were not such as to encourage very sanguine hopes for the future. The promise of immediate commercial prosperity had been the golden bait with which the statesmen responsible for the Union had sought to reconcile her to the loss of national independence. An improved coinage and free trade with England and her colonies were to be the means through which the harvest was to be promptly and bounteously reaped. Proportioned to her deceived hopes, therefore, was her disappointment at the actual result which seemed the immediate and direct consequence of her reluctant copartnership. Far from entering at once into a golden harvest, what she appeared to have reaped was the loss of her trade with France, heavier duties and heavier taxation exacted with a rigour unknown in her previous history.

The gloomy views regarding the results of the Union entertained by the majority of the nation were doubtless exaggerated,

and in the end proved to be illusory; yet the general condition of the country, after nearly forty years' experience of partnership with England, was hardly such as to afford convincing justification of the wisdom of its promoters. About the year 1742 Lord President Forbes, the most enlightened public man of his time, drew up at the request of the Marquis of Tweeddale, the Scottish Secretary, a statement regarding the national revenue which is sufficiently explicit. The revenue, he says, is "in such a declining state that the usual expense of the civil Government can hardly be answered[1]." The only cheering fact to which he can point is the promising condition of the linen manufacture; the fishery "has totally failed for some years"; the foreign trade of Glasgow has been seriously injured by the Spanish War; and, as for the rest of the country, it is "worse than nothing." Never was there less coin in the country within living memory; and paper was the only currency to be seen[2]. The expenses of the Government had been hitherto met by the duties from the customs and excise, but for many years the customs had produced "little worth speaking of," and the excise had fallen to a half of its former value. Having stated the gloomy facts, Forbes suggests a remarkable remedy. The fall in the excise was due to the consumption of foreign wine and brandy, but above all to the universal practice of tea-

[1] *Culloden Papers*, p. 183. According to Forbes, the annual expense of the civil government, at the date when he wrote, was £52,000, while the whole revenue amounted to £31,240 (*Ib.* pp. 189—190).

[2] "I find it observed," says Wodrow, writing in 1731, "that very soon Scotland must be drained of money in specie, and really it is a wonder how any almost is left with us. Indeed, except it be coals (and that is a trifle), linen cloth and black cattle, which may bring in a little, we have scarcely any other branch of trade that brings in money to us in specie" (*Analecta*, IV. 269). Hume (*Essay on Balance of Trade*) says that after the re-coinage that followed the Union there was nearly a million of specie in the country, but that at the time he wrote there was only a third of that sum in currency.

drinking[1]. Moreover, as these foreign beverages were for the most part smuggled, the revenue was thus doubly defrauded; these foreign commodities paid little duty, and home-made liquors were in so little demand that they might hardly be reckoned as contributing to the national exchequer[2]. The remedy proposed by Forbes was quite in keeping with the economical principles of the time; what he suggested was that such a heavy duty should be laid on tea that the majority of the nation would be forced to eschew that beverage, and thus benefit both the revenue and their stomachs by drinking the twopenny ale of their native country.

From Forbes's account of the state of the revenue we may infer that the general development of the country had not been such as to produce an irresistible conviction that the Union had done more good than harm. Nevertheless there were manifest indications that the nation had entered a new phase of its history, and that only time was needed for her to profit to the full from the new opportunities. In trade and commerce the country was still bound by economical principles from which England was now in large degree emancipated; but everywhere there were signs of growing impatience with restrictions that had become impossible under the new conditions of national development. The royal burghs still retained their legal privilege of exclusive foreign trade in staple commodities; but

[1] It was from Holland and Friesland, where tea was universally drunk, that Scotland both acquired the commodity and learned its use.

[2] *Culloden Papers*, pp. 188—195. Coffee was as universally drunk in Prussia as tea in Scotland, and with the same result to the revenue. Frederick the Great issued an ordinance prohibiting the importation of coffee, in which he told his subjects that "warm beer" was a more wholesome beverage than coffee, and that they would do well to keep their precious money in their pockets and not foolishly enrich the foreigner.—Biedermann, *Deutschlands politische, materielle, und sociale Zustände im achtzehnten Jahrhundert* (Leipzig, 1880), II. 297. It is to be remembered that the essence of Mercantilism, the economical doctrine of the time, was to retain specie in the country at all costs.

the non-royal burghs generally had openly disregarded the law, and thus lent the weight of their example to the promiscuous smuggling which occasioned the lament of Forbes[1]. The rigid distinctions between merchants and craftsmen, and between craftsmen free and unfree, still dominated the corporate life of the towns. To take but one curious example: in 1718 the Town Council of Dundee granted to two "violers" the sole privilege of playing the violin at weddings, and prohibited the burghers under penalties from employing "unfree persons" on such occasions[2]. It was one thing, however, to proclaim these prohibitions, but another to enforce them; and from every royal burgh came complaints to the Convention that unfree traders and craftsmen were doing a thriving business at the expense of honest men[3]. In point of fact the expanding life of the nation was rapidly bursting the bonds of an effete mediaevalism.

The relative prosperity of the Scottish towns shows with what unequal and hesitating steps the country had entered on the path of progress. While such burghs as Glasgow, Paisley, Greenock, Dunfermline, and Edinburgh, were for special reasons rapidly increasing in wealth and population, there were others which seemed to be losing instead of gaining ground. Culross, once a flourishing little burgh, was through "total decay of trade" now unable to pay the stipends of its ministers and school-masters, and lay under a burden of debt; and in the same plight were Cupar-Fife, Fortrose, and other towns[4]. In 1726 the magistrates of Aberdeen complained of "the great

[1] The *Records of the Convention of Royal Burghs* abound with complaints regarding the unscrupulous smuggling of the unfree burghs.

[2] *Charters, Writs, and Public Documents of the Royal Burgh of Dundee* (Dundee, 1880), p. 161.

[3] It should be said that in France and Germany "exclusive privileges" were at once more invidious and more rigorously enforced than in Scotland.

[4] *Records of the Convention of Royal Burghs* (1711—1738), pp. 124, 128, 147.

decay of trade" in their burgh, occasioned, they said, by the fact that the commodities which formerly had come to their port now found their way to the various little towns to the north[1]. The numerous sea-coast towns of Fife, which had been in a state of decline all through the 17th century, showed no signs of renewed prosperity after the Union; and Dundee had not yet recovered from the terrible handling of Monk. Whatever prosperity there might be in the country, therefore, was distributed with singular inequality in the nation at large.

It is in the birth of new manufactures and in the more vigorous development of old ones that we find the most promising assurance of the future commercial prosperity of the country. We have seen that throughout the 17th century there had been no lack of effort, both on the part of the burghs and of the Government, to promote the cultivation of many and various manufactures[2]. Mainly owing to the lack of capital, however, these efforts had in large degree been nugatory; and it was precisely the confident promise of those who had promoted the Union that the indispensable capital would be abundantly forthcoming. In the case of this as of other anticipations the nation had some ground for grumbling at having been deluded. By the 15th Article of the Treaty of Union it had been provided that from Martinmas, 1707, £2000 should for the space of seven years be annually applied for the furtherance of Scottish trade and manufactures. Chiefly for the reason that the authorities could not agree as to how the money should be distributed, the whole available sum of £14,000 remained on their hands unused and without interest. In the case of the Malt Tax of 1725, also, it had been provided that the surplus over £20,000 that accrued from the tax should be similarly devoted to the encouragement of trades and industries.

[1] *Records of the Burgh of Aberdeen* (1643—1747), p. 370.

[2] See *ante*, pp. 58 et seq.

It was in 1726 that the Convention of Royal Burghs took a decided step to secure the application of both grants for the benefit of the nation. In a representation to the Government it formulated plans for the allocation of the grants with such precision as to preclude any further excuse for delay in their distribution. The result of the representation was an Act of Parliament in the following year which closely followed the lines suggested by the Convention. £6000 were to be distributed annually for three years—of which £2650 were to go to the linen trade, £2650 to the herring fishing, and £700 to the trade in coarse wool. In the case of the grant in favour of the linen trade, the Act, in accordance with the suggestion of the Convention, gave specific directions for its allocation. Premiums were to be given for the growing of lint and hemp; housewives were to receive prizes for the production of the best linen cloth; schools were to be established where children might be taught to spin[1]; and special sums were to be expended in the purchase of machinery and other material requisite for the manufacture in question. Most significant sign of the new spirit of enterprise—ten families of cambric weavers from France were induced to settle in Edinburgh, where the name of Picardy Place still preserves the memory of the foreign colony. For the effective administration of the annual grants there was appointed a "Board of Trustees[2]" consisting of 21 members, who, stimulated by the enlightened Forbes of Culloden, were to discharge their duties with zeal and intelligence. The manufacture of linen had long been an important industry of Scotland; but from the impetus it now received it developed with great rapidity, due not so much to the frugal bounty of the Government as to the ardour and

[1] These spinning-schools were chiefly planted in the Highlands with the express purpose of stimulating habits of industry in these districts.

[2] It existed under the designation of the "Board of Trustees for Manufactures" till 1907, when it was converted into the "Board of Trustees for the National Galleries of Scotland."

improved methods with which the manufacture was carried on. Precisely from this time, indeed, the country entered on the path of manufacturing enterprise which was to lead to such magnificent results before the century had closed[1].

The impetus given by the Act of 1727 was all that was needed to hasten the progress of the nation on its self-adopted course. In 1725 Paisley laid the foundation of its future prosperity by the introduction of yarn-spinning from Holland. Stimulated by the demand in the American market, Glasgow in the same year vigorously began the manufacture of linen, which was to be its principal industry till well forward in the century. Not only in Glasgow but in the majority of the towns and villages the same manufacture was assiduously taken up as the most profitable industry of the time. "I have found good linen everywhere, but chiefly in the Lowlands," wrote Captain Burt, who came to Scotland in 1726[2]. By 1735 the spinning-wheel had generally displaced the ancient rock and reel, with the result of rapidly increased production. Between 1728 and 1738, we are told, the manufacture of linen for export was considerably more than doubled. While the prosperity of the linen manufacture could not be gainsaid, other industries had gone back rather than forward. The brewing of home liquors, we have seen, had been seriously decreased by the smuggling of tea, wine, and brandy. The making of coarse woollen cloth, known as plaiding, had once been a more important national industry than linen; but since the Union it had gone down in value by not less than two-thirds[3]. Thus in spite of the brilliant promise of the linen

[1] *Records of the Convention of Royal Burghs* (1711—1738), pp. 413—443. In 1737 the Convention made a present of table linen to Speaker Onslow, who showed his gratitude by a gift of £100 sterling for the encouragement of that manufacture (*ib.* pp. 628—9).

[2] *Letters*, I. 20.

[3] *Records of the Convention of Royal Burghs* (1711—1738), p. 419.

industry, there was some ground for the pessimistic outlook of Forbes over the general condition of the country.

But it is in the story of the abortive efforts to promote the fishery trade that we find the most cogent illustration at once of the prevalent economical doctrines of the time and of the difficulties that beset the nation in its heroic attempts to develop its resources. All Scotsmen were fully aware that the chief wealth of their country lay in the riches of its seas; at the beginning of the 17th century the profits from the fisheries were nearly equal to the profits from all other industries together. We have seen the various attempts to promote the fishery trade throughout the whole of that century[1]; yet at its close the trade was less prosperous than at its beginning. While the Scots were throwing away half-a-million in Darien, 700 Dutch boats, besides those of other nations, were plundering their seas and reaping a golden harvest[2]. In 1720 a complaint and a petition from certain merchants in different royal burghs drew the attention of the Convention to the unsatisfactory condition of the fishery trade in which they were engaged. The complaint was on two grounds: traders of unfree burghs were infringing the monopoly of the royal burghs; and English companies were reported to be in the process of formation for the express purpose of exploiting the Scottish seas. If the royal burghs were to preserve their rights and to work the fishing trade with success, it must be the duty of the Convention to avert both of these evils[3].

The petition which accompanied the complaint was that the Convention should undertake the formation of a company, composed exclusively of the freemen of royal burghs, which with an adequate capital might be in a position to carry on the

[1] See *ante*, pp. 65 et seq.

[2] Knox, *A View of the British Empire, especially of Scotland* (Lond. 1785), p. xvi, note.

[3] It will be remembered that the royal burghs enjoyed their monopoly on the condition of paying a sixth of the land tax.

fishing trade with good hope of success. By express Parliamentary enactments the Convention possessed the power of forming trading companies; and it promptly acted on the suggestion of the merchants. On July 25, 1720, the contract of copartnery was approved and sanctioned; and all eligible persons were invited to take shares in the new Company. The invitation received an eager response; the Lord President of the Court of Session commended the enterprise to his brother judges, several of whom were induced to become partners; and Allan Ramsay, in a poem with the auspicious title "On the Prospect of Plenty," prophesied that Scotland had at length found its El Dorado[1]. By October 25 the subscribed capital amounted to £2,200,000 Scots—a sum which far exceeded the hopes of the promoters of the Company. Thus brilliantly launched, the new Company seemed in a position to command success. Far from attaining so happy a result, however, the fishery trade for half a century to come was neither more nor less prosperous than it had been before the formation of the Company[2]. So late as 1761, while the Dutch had 152 vessels engaged in fishing off the Scottish coasts, the Scots had only 17[3].

If the difficulties in the way of developing the national industries were thus formidable, there were no less serious obstacles to be overcome in the development of internal trade. There was the mutual jealousy of the towns—the inheritance of mediaeval economic conditions; for the prosperity of one town was regarded with envious disapproval by all the others as involving a diminution of their own. The craftsmen of the

[1] The poem was dedicated to the royal burghs; and the Convention rewarded its author with a gratuity of £10 sterling (*Records of Convention of Royal Burghs* (1711—1738), p. 283).

[2] According to Knox (*View of the British Empire*, p. xxx), the failure of the Company was owing to the fact that its interests clashed with those of the Dutch, whom the Government was then anxious to conciliate.

[3] The story of the launching of the Scots Fishery Company is told in the *Records of the Convention of Royal Burghs* (1711—1738), pp. 238—260.

burgh rigorously excluded the handiwork of their brother craftsmen in every other; and the merchants were equally jealous of any infringement of the hereditary privileges of their class. Natural human instincts and expanding experience were gradually setting aside these restrictions; but hearty and open co-operation towards national ends was impossible under the existing conditions. Even had such co-operation existed, the petty resources of the majority of the towns were inadequate to produce a vigorous and abundant internal trade. At the beginning of the 18th century Glasgow had between 12,000 and 13,000 inhabitants[1], and Edinburgh thrice as many; but the population of none of the other towns rose above 7000. So late as 1760, ten or twelve pack-horses, going and returning once a week, served for all the traffic between Edinburgh and Glasgow. The state of the roads was another formidable impediment to rapid inter-communication. Wheeled vehicles were impossible[2]; and commodities had to be transported in creels or panniers suspended over the backs of horses. It was under these impeding conditions that such internal trade as existed was carried on with England and between the different parts of the country. To England the Scots conveyed the time-honoured commodities, linen cloth, slate, coals, salted and dried fish—the race of pedlars, always jealously regarded by the accredited merchants, playing a large part in this trade. From time immemorial, also, Englishmen had frequented the Scottish markets and fairs on the borders for the purchase of cattle and Galloway horses. But, as the Highlands were the chief rearing-grounds of cattle, it was at the fair of Crieff that

[1] Brereton was, therefore, far out in his reckoning of the population of Glasgow in 1637, but we must accept with considerable reserve such contemporary statements regarding the numbers of inhabitants in the towns. —*Early Travellers in Scotland*, p. 150.

[2] Wheeled traffic was in use but only for short distances. It should be said that in Germany and France roads were in no better condition than in Scotland. It took a letter nine days to go from Frankfort-on-the-Main to Berlin.—Biedermann, *op. cit.* II. 333.

the English dealers found the most abundant market. At Crieff Fair, in 1723, the Highlanders sold 30,000 cattle, for which they pocketed 30,000 guineas—"a sum they had never seen before[1]."

It was in her trade beyond the seas and not in her trade at home that we find the most promising indications of a prosperous future awaiting the country. Previous to the Union, foreign trade had been almost exclusively limited to the exchange of commodities with France and the countries on the shores of the German Ocean and the Baltic Sea; any trade the Scots might enjoy with the English colonies in America had to be carried on surreptitiously, and at the risk of the imported goods being arrested on their arrival at any port on British shores[2]. By the Treaty of Union, however, the colonies were thrown open to Scottish traders, and at a time when they were fully prepared to profit by the opportunity. Hitherto the towns on the west coast had been at a disadvantage from the fact that the foreign markets were mainly to the east; now that the western trade was opened up, however, their opportunity came. This was signally proved in the case of the two most important of them—Greenock and Glasgow. In the commercial history of Greenock during the 17th century we have a signal illustration of the disastrous effects of the monopoly of foreign trade that was claimed by the privileged royal burghs. Like all the other "unfree" burghs, Greenock did its best to evade the invidious regulation; but at length, in its own interest, the town was constrained to pay an annual contribution to the royal burghs for the privilege of untrammelled trade with foreign countries[3]. Now virtually a free burgh, the town entered on

[1] *Northern Rural Life*, p. 62. The Highlanders hired themselves at 1*s*. a day to drive the cattle into England, returning at their own charges.

[2] This illicit trade with the American colonies, however, was carried on to such an extent as to excite the alarm and indignation of English merchants. See *ante*, pp. 24—6.

[3] As late as 1879 this "cess" amounted to £75. It is now abolished.

that career of prosperity which has made it what it is to-day. Till now Greenock had possessed only a pier for the landing of goods; but a harbour was needed if its trade was to grow under the new conditions. Hitherto, when a Scottish burgh felt the need of a harbour, it petitioned Parliament or the Privy Council for a licence to appeal to the generosity of other burghs for pecuniary assistance towards the enterprise. Disappointed in this appeal, Greenock took the matter into its own hands, and constructed (1707—1710) a spacious harbourage at the expense of £5555 sterling. In 1719 it sent its first ship across the Atlantic; and so fortunate were its successive ventures that by 1740 it had completely cleared off the debt.

On a larger scale Glasgow entered on a similar course of prosperity. Even in the first half of the 17th century Glasgow had traded as far as Barbados; but the result had not encouraged the town to persist in the venture[1]. When, however, the western trade was opened up by the Treaty of Union, its resources and the spirit of its citizens enabled Glasgow to draw full profit from the golden opportunity. Till 1718 the town had possessed no vessels of its own; and for such trade as it carried on with America it had chartered ships from Whitehaven. In that year, however, Glasgow sent the first ship of its own construction across the Atlantic. It was the beginning of the Clyde shipping industry and the beginning of the commercial greatness of the city. In 1740 Glasgow owned 67 vessels, and in 1792 it owned 718[2]. The beginnings of its prosperity were sufficiently humble, as the principal commodities it had to barter were salted fish, tarred ropes, and the coarse plaiding which had always been one of the chief industries of Scotland. By the introduction of the linen manufacture in 1725, however, it was enabled to effect exchanges on a larger scale; and so extensive became its dealings that in the importation of tobacco,

[1] Tucker's *Report* (1655), *Early Travellers in Scotland* (Edin. 1891), p. 177.

[2] Knox, *View of the British Empire*, pp. xxxiv—xxxv.

then the most lucrative of commodities, it stood second to London alone. For a time, indeed, the trade of Glasgow was under an eclipse. Whitehaven, Liverpool, and Bristol, indignant at the appearance of this unexpected rival, induced the Government to harass the rising port with such vexatious interference that from 1721 it was crippled for many years in the development of its resources. But no adverse circumstances could check its new-born spirit of enterprise; and, till the outbreak of the American War arrested the trade with Virginia, the "tobacco lords" of Glasgow were the most prosperous magnates in the country[1].

While in the towns there was this spirit of enterprise, ready to profit by new conditions, in the country there was no such prompt alacrity to adopt improved methods of rural industry. The closer intercourse with England that followed the Union had familiarised many Scottish landlords with the agricultural methods of that happier country; and certain of them did their best to introduce these methods into their own estates. Lady Mordaunt, married to the heir of the House of Gordon in 1706, introduced fallowing and the making of hay—arts virtually unknown in Scotland[2]; and her example was followed by other proprietors in Moray. Adam Cockburn of Ormiston made the "novel experiment" (1698—1713) of granting long leases; and his son John, during the term of his possession, imported from England both new products and new methods of tillage[3]. The Earl of Stair, on his retirement from public duties, was the first to raise cabbages and turnips in open

[1] In 1740 the total shipping of Edinburgh and Leith amounted to 47 vessels with a tonnage of 2628. In the same year the average tonnage of England was 476,941, while that of Scotland was only 12,342—forty to one.—Knox, pp. xxxiv—xxxvi.

[2] The word "hay," according to Sir Anthony Weldon, was "heathen Greek" to the Scots. Yet the old ballad says, "When muirmen win their hay."

[3] See the *Letters of John Cockburn of Ormiston* edited by Dr Colville for the Scottish History Society (1904).

fields, and the Earl of Haddington to sow clover and grass seed. In emulation of England, where husbandry was now a fashionable interest among the great landholders, a "Society for Improving the Knowledge of Agriculture" was founded in 1723, its membership consisting of 42 peers and 260 commoners. But in the country at large there was no quick response to this leading; and, except in the case of some specially favoured districts, the same modes of tillage prevailed at the end as at the beginning of the century[1]. In the natural inertia of the agricultural class, and still more in the general system of short and precarious leases, we have the sufficient explanation of the dogged opposition to improvement[2]. One notable innovation in agriculture, however, belongs to the period before us, and was to be of prime importance for the future of the population. Potatoes had long been a staple article of diet in Ireland; but both in Scotland and England there was a strong aversion to potatoes as human food. In 1663, however, the Royal Society had given its countenance to the despised tuber, with the result that its use was now widely spread in England. In 1726 Cockburn of Ormiston began to rear potatoes in his garden, and others followed his example; but it was not till 1739 that the experiment was made at Kilsyth of cultivating them in fields. Thenceforward potatoes gradually became a common crop, and after the middle of the century a general article of diet[3].

[1] *Northern Rural Life*, p. 21.

[2] See *ante*, pp. 45—7. The state of things there described still continued. It may be remarked that in Germany and France, throughout the 18th century, agriculture was as backward as in Scotland. In both of these countries precarious leases and feudal services were more oppressive, and the relations between landlord and tenant less kindly, than in Scotland.

[3] In France there was the same objection to the potato as in England and Scotland; and it was not till 1781 that the peasants, following the example of the Court, began to use it generally as food.—Rambaud, *Histoire de la Civilisation Française* (Paris, 1902), II. 513. Potato culture

The general diet of the people was what it had been in the previous centuries. The staple repast of the country laird was beef or mutton, fresh in summer and salted in winter, varied with fowls which, according to the testimony of English visitors, were miserable specimens of their kind. His drink was ale or claret, the latter being both cheap and good, as all strangers testified. The main sustenance of the country people, especially in the Lothians and Fife, was pease-meal, which they stipulated to receive on engaging themselves for farm labour[1], wheaten bread being a dainty only to be found at the tables of the nobility and opulent merchants. "Twopenny ale" was the universal beverage of the poorer classes, till, as we have seen, to the indignation of Forbes and other patriots tea took its place. Compared with the same classes in France and Germany, indeed, the lot of the Scottish peasant was not unhappy. A friend of Wodrow, who visited France, was struck by the misery of the people of that country in comparison with what he saw at home. "The poverty of the common and lower sort," he found, "is inexpressible; nothing like it wherever he was...Their country is not able to provide itself in eatables, and the trade not able to keep them from starving[2]." His testimony is fully endorsed by the latest historians of France.

In what has been said regarding the social condition of the country we have had the southern and eastern Lowlands chiefly before us. But, as the Government had been forcibly reminded by the Rising of 1715, there was another region in Scotland which was a constituent part of the Kingdom and for whose wellbeing it was also responsible—that great tract of Highland country which, from the traditions of its people and the nature of its soil, presented a problem to successive statesmen which has not yet been satisfactorily solved. In the structure of its society, as in its economic conditions, the Highland

was introduced into Prussia by Frederick the Great.—Bartels, *Der Bauer in der deutschen Vergangenheit* (Leipzig, 1900), p. 129.

[1] Wodrow, *Analecta*, II. 368. [2] *Ib.* III. 231.

country was precisely what it had been from time immemorial. Between the chieftain and the clan the same relations continued—absolute control in the case of the one and absolute devotion in the case of the other. The majority of the inhabitants gained an honest subsistence by such labours as the nature of the soil permitted; while, though in less degree than in previous periods, a turbulent minority eked out their living by occasional raids into the neighbouring Lowlands. In every spot where it was possible, oats and barley were cultivated—the spade being frequently the only implement available to break the scanty covering of earth[1]. But the meagre harvest from these crops was inadequate for the subsistence of the population; and cattle were universally reared for the Lowland markets. But even the rearing of cattle was carried on under conditions which only necessity could supply the will to overcome. All the best soil being devoted to the cultivation of corn, the only grazing-grounds were the mosses and the mountains. When the snows came, the animals were brought to the clachans, where they shared the abodes of their owners. In bad seasons, when the harvests failed and food was scanty, the cattle were bled, and their blood was mixed with milk compounded with oatmeal to form cakes[2]. Such being the conditions of living in the Highlands, it is no matter for wonder that stirring spirits sought an easier subsistence in the plunder of the rich Lowlands, more especially as it was a living tradition among the Highlanders that these Lowlands had once been their own. On the removal of the Black Watch in 1739 there was a recrudescence of the time-honoured practices of cattle-lifting and blackmail, which recalled the most flourishing times of the professional Highland cateran. A remarkable computation

[1] This is the testimony of Captain Burt, who, having long resided in the Highlands, writes from close personal knowledge (*Letters*, II. 144).

[2] Burt, *op. cit.* II. 121; Knox, p. 122. This practice was not unknown in the Lowlands.—Graham, *The Social Life of Scotland in the 18th Century* (Lond. 1901), p. 159; Col. Fullarton, *A General View of the Agriculture of Ayr* (1793), p. 14.

made at the close of the rebellion of 1745 sums up as follows the annual losses sustained by the Lowlanders from Highland *creaghs*: value of cattle-lifting, £5000; cost of attempts to recover them, £2000; expenses for guarding against theft, £10,000; blackmail, £5000; loss arising from understocking the ground from fear of plunder, £15,000; total, £37,000[1]. As the result of the suppression of the Rising of the 'Forty-five, these evils were effectually checked; but for a long period to come the economical condition of the Highlands was to baffle the wits of statesmen and to be a reproach on the civilisation of the country.

In 1696 the Scottish Parliament had enacted that every parish should have a schoolmaster and a "commodious house" for the scholars, and that the heritors and tenants should divide the necessary expenses between them. There had been several previous Acts to the same effect; but, like so many other statutes of the Scottish legislature, they had received but imperfect obedience. The Church had, indeed, done its best in all times to enforce the beneficent law, but it had to encounter obstacles which no zeal availed to overcome. Burghs might be either unwilling or unable to meet the expense of maintaining a schoolmaster and school; and in the country, heritors and lords of barony[2] might be equally disinclined to put their hands in their pockets for the same purpose. The Act of 1696 doubtless received a larger measure of obedience than its predecessors; yet it was long after our period before every parish could boast its school, sanctioned and maintained by the authorities[3]. In connection with schools, as in connection

[1] *Northern Rural Life*, pp. 196—7.

[2] Some lords of barony showed an enlightened interest in the education of their dependants. The lord of the barony of Stitchell, for example, ordered all his tenants to send their children to school under a penalty of £10 Scots for each failure.—*Records of the Baron Court of Stitchell*, ed. Rev. George Gunn (Scot. Hist. Soc. 1905), p. xxv.

[3] Mr Graham (*Social Life in Scotland*, pp. 419—421) gives statistics proving that after the Act of 1696 there were still wide districts unprovided with schools.

with trade and commerce, mediaeval notions still universally prevailed. Wherever in town or country there was an accredited school, no private individual was at liberty to set up a rival institution. The interior of the schools was for the most part precisely what it had been in the Middle Ages. The teacher alone had his seat and desk; on the floor, strewn with straw or rushes (seldom removed), the scholars squatted or lay at full length as their tasks demanded; and corporal chastisement was inflicted with mediaeval brutality. As in the Middle Ages, also, any spare space under cover might be utilised for a school-room where better accommodation was wanting—church-steeples, barns, byres, stables, even family vaults being appropriated for the purpose[1]. In one respect, indeed, Scotland showed its superior respect for education. In France the first chance-comer was supposed to be competent to instruct the youth of the country[2]; and in Prussia Frederick the Great made schoolmasters of his discharged non-commissioned officers[3]. In Scotland, on the other hand, the candidate for a parochial school had to give proof of his competency to the Presbytery; and the candidate for a burgh school had to undergo a more stringent test. So far as status and emoluments were concerned, however, the schoolmaster in Scotland was at this time no better off than his fellow in other countries. Just as in France and Germany, he was at the lowest end of the social scale; and his salary was so meagre and precarious that he was forced to eke it out with other incongruous employments. According to Wodrow, writing in 1725, the "generality" of the people were then able to read[4]—a statement which assuredly could not be made of contemporary France and Germany[5].

[1] Graham, p. 425. In France the same conditions prevailed. A room in a *cabaret*, among other strange places, was sometimes utilised as a school.—Rambaud, *Civilisation française*, II. 263.

[2] *Ib.* II. 262.

[3] Bartels, *Der Bauer in der deutschen Vergangenheit*, p. 129.

[4] *Analecta*, III. 203.

[5] In Franche-Comté, the district of France where the best provision had been made for education, only 29 per cent. of the women could sign

Nevertheless, as statistics prove, there were considerable numbers of the population in the country who could neither read nor write[1]; and the only instruction they received was from the weekly sermon and reading of the Bible in Church. Much, therefore, still remained to be done for the education of the mass of the people; yet, with limited resources at its disposal, Scotland had accomplished a work for the instruction of its youth which compares favourably with that of any contemporary people.

In the case of the Universities, as in the case of schools, the perennial lack of means had retarded their development since the days of the *First Book of Discipline*, which had adumbrated such an admirable plan of academic organisation and studies. If the Universities were to respond to the needs of the time, there were three reforms that were indispensable. Their teachers must be freed from the domination of the Church; the mediaeval system of regenting must be abolished; and the scope of study must be enlarged by the introduction of new subjects, taught by men specifically equipped to teach them. The time had not yet come for the first of these reforms, for the Church was still of John Knox's opinion that it must be preserved from the bondage of the Universities. In the case of Simson and other professors we have seen how jealously the General Assembly scrutinised their teaching. So offensive, indeed, did the professors consider this inquisition that in 1728 they made an abortive attempt to draw up a collective protest against it. The second necessary reform, the abolition of the system of regenting, was effected in two of the Universities—in Edinburgh in 1708 and in Glasgow in 1727—with immediate happy results in the case of both. Under the ancient system one regent or tutor conducted each his own group of students through all the subjects in

their names, while in other parts of the country the percentage was as low as 6.—Rambaud, *op. cit.* II. 263.

[1] Graham, *op. cit.* p. 421, note.

the curriculum of three or four years; under the new system each subject was assigned to a special professor with the exclusive privilege of teaching it. The reform thus effected at Edinburgh and Glasgow indicated a genuine awakening of interest in university education. At the beginning of the 18th century the University of Edinburgh had but eight professors and 300 students; Arts and Divinity alone were taught—no provision being made for instruction in Law and Medicine. Before the close of our period a great stride had been taken towards the remedying of these defects. In 1707 a Legal Faculty was commenced by the creation of a Regius Professor of Public Law[1]; and within the first quarter of the century the establishment of the Faculty was completed. With the appointment of Alexander Monro to the Chair of Anatomy in 1720 the Medical School of Edinburgh was started under brilliant auspices which its future history was so amply to fulfil[2]. In Glasgow the advance was not so rapid; yet there, also, there was distinct progression. At the beginning of the century the entire staff of the University consisted of a Principal, a Professor of Divinity, and four Regents of Philosophy; but between 1711 and 1717 three new professors were added. But the chief glory of Glasgow during the period was the teaching of Francis Hutcheson, "the prototype of the Scottish Enlightenment[3]," who, appointed Professor of Moral Philosophy in 1730[4], broke away from the mediaeval tradition of lecturing in Latin[5], and in flowing English opened up visions of truth and beauty and sweetened the sources of national thought and feeling. Most promising indication of all, however, was the fact that in physical science, as in mental philosophy, the

[1] Grant, *The Story of the University of Edinburgh* (Lond. 1884), I. 283.

[2] *Ib.* I. 300.

[3] Scott, *Francis Hutcheson, His Life, Teaching and position in the History of Philosophy* (Cambridge, 1900), p. 265.

[4] Hutcheson began his duties as professor in Nov. 1730.—*Ib.* p. 56.

[5] Some years before Hutcheson took this revolutionary step, Christian Thomasius had begun to lecture in German at Leipzig.

newest light was finding entrance into academic teaching; not the mediaeval Aristotle, but Bacon, Newton, and Locke were becoming the sources of its inspiration.

In this work we are concerned with literature only so far as it illustrates national interests and national character; but, as it happens, the Scottish literature of the period before us is of considerable importance under this special aspect. It was during the 18th century that the intellectual product of Scotland first commanded the attention of the world. In physical science, in economics, in mental philosophy, and in literature, influences then went forth from her which had important results for the civilisation of Western Europe; and during the first half of the century they had already begun to manifest themselves. James Thomson, though he spent the greater part of his life in England, yet received his inspiration from his native country. In his *Seasons* he freshened the sources of poetry by his direct return to nature; and his inspiration was of potent effect in the imaginative literature not only of England but of France and Germany[1]. During this period, also, Scotland may be said to have heralded the Romantic movement in literature which attained its full fruition by the close of the century. In the vernacular songs and ballads of Lady Grizel Baillie (1665—1746), Lady Wardlaw (1677—1727), Hamilton of Gilbertfield (1665?—1751), and Allan Ramsay (1686—1758), and in the collections of vernacular poems made by Watson (1706—11) and by Ramsay, are implicitly announced the sentimental interest in the past, the delight in elemental emotions, the untrammelled play of fancy and imagination which are the dominant notes of romanticism. In a different sphere the philosophical writings of Hutcheson represent

[1] On the influence of the *Seasons* in French literature, see Morel, *James Thomson, sa Vie et ses Oeuvres* (Paris, 1895). M. Morel points out that Thomson's influence on French literature was not confined to natural descriptive poetry; according to him, Rousseau derived his "idées morales" and his "doctrine sociologique" from the *Seasons* and from *Liberty* (pp. 533—4).

another intellectual influence that went forth from Scotland during the first half of the 18th century. Not only was he the inspirer of youth at home and the "prototype of the *Aufklärung*," or Enlightenment, in Scotland, but his published works exercised a profound influence on the similar movement in Germany[1]. In the same period, also, appeared David Hume's *Treatise on Human Nature* (1739) and his *Essays, Moral and Philosophical* (1741—2), which threw out all his suggestions in economics and abstract philosophy which subsequently made the tour of the intellectual world.

But it is in the vernacular literature of the period that we find the most interesting expression of what was native to the soil and the people. Allan Ramsay, the chief representative of this literature, is more important as the exponent of a type of national thought and feeling than as a literary artist. The Scottish people as a whole were, no more than the Jews, at all times exclusively interested in theology and religion. In all times it is only the "remnant" of a people that can be profoundly concerned about the saving of their souls; and the Scottish people were no exception. Before the Reformation, as after it, the masses of the people were as purely human as those of any other country. In the futile attempts of the Church to suppress natural instincts we have negative evidence of the fact; and in the records of the Privy Council of Scotland, in which the national life is most adequately portrayed, we find a representation of interests and habits and propensities which have their precise parallel in the broad delineations in which Teniers has depicted the rustic life of the Low Countries. The Scottish peasant smoked his pipe, drank his twopenny ale, played his game of backgammon, had his sports and his amusements like any Dutch boor. And, as the expression of this life, there were always current the broad tale and the convivial song

[1] Scott, *Francis Hutcheson*, p. 267. According to Mr Scott, it is not as the "founder of Scottish philosophy" but as a "philosopher of the Enlightenment" that Hutcheson deserves to be remembered (p. 285).

which rigorism in religion never availed to suppress. It was in Allan Ramsay, however, that the naturalism of the popular life found its first widely popular exponent since Sir David Lyndsay and Dunbar. His *Gentle Shepherd* is the idealised picture of natural human relations, which assuredly existed in Scotland as well as in other countries; while his songs and occasional pieces, with closer fidelity to fact, are at once the record of a broad national experience outside the sphere of spiritual life and the revelation of a distinctive side of the national character.

As products of the religious instincts of the nation, two books should be noted, each in its own way of significant import. One of them, Boston's *Fourfold State*, has already been mentioned. Boston was a religious genius, and he expounded doctrinal Calvinism, the theme of his book, with a freshness, an ingenuity, and an intensity of conviction which for nearly a century made his work the breviary of souls kindred to his own. The other spiritual manual proceeded from a different inspiration and appealed to religious minds of another type. This was the *Life of God in the Soul of Man*, the work of Henry Scougal, an Episcopalian minister, who was Professor of Divinity in the University of Aberdeen from 1674 to 1678. The historical interest of Scougal's book is that, falling into the hands of Whitefield and the two Wesleys, it profoundly influenced the religious life of all the three, and thus has an important place in the history of English Methodism[1].

From this brief survey of the literary activity of the period it will be seen that in the sphere of thought as in the sphere of material interests the nation had entered on a new stage of its development. In both there was the same widening of horizons, the same promise of future expansion which was not to be belied. During the latter half of a century so eventful in her national history, it will appear that Scotland had her own contribution to make to the commonwealth of nations. But before

[1] Rev. D. Butler, *Henry Scougal and the Oxford Methodists* (Lond. 1899).

entering on the period when she was to take her place decisively in the international community, she was to have still another notable experience in which the forces of the past were to be arrayed against the forces of the future and were to be finally overthrown in the interest of all that was most promising in the national life.

CHAPTER VII.

THE JACOBITE RISING OF 1745.

When the Jacobite Lockhart concluded his Memoirs in 1728, it appeared to him that the future had little in store for the cause to which he had devoted his public life. Surrounded by evil and foolish counsellors and entangled in conjugal squabbles (such was Lockhart's opinion), the heir of the Stewarts had forfeited the confidence of his best friends, Lockhart himself among them. The Jacobite hopes had always rested on the possibility of European complications which might at once raise enemies against England, distract her energies at home, and create a reaction in favour of the exiled House. But at the moment when Lockhart laid down his pen, there was no appearance of such a fortunate juncture being at hand; and the course of events during the next twelve years justified his gloomy forebodings. Under the guidance of Walpole, whose abiding policy was peace, the country was kept clear of all entanglements in continental affairs which might have brought their opportunity to the supporters of the Stewart. At length, in the year 1739, there came a turn in European politics which gave good hope to the Jacobites that their hour was now at hand: before the end of that year broke out the War of the Spanish Succession; and it soon appeared that the leading continental Powers must sooner or later be involved in the struggle. Since, moreover, it was shortly after the war began that Walpole fell from power, the chances were

greatly increased that England, under the guidance of Ministers who had passionately opposed his policy of peace, would not remain a passive onlooker in the general scramble of the nations.

1743—1744

The course of events realised the most sanguine hopes of the friends of the House of Stewart. In 1743 England took up the cause of Maria Theresa; and, at the head of a combined army of English and Hanoverians, George II defeated the French at Dettingen (June 27). A war between England and France was the event on which the Jacobites had always based their surest hopes. In any contest with England the most effectual policy of France was to strike at her through the claims of her exiled House. An invasion of England in the interest of the Stewarts had the appearance of a recriminative act of justice in the eyes of Europe; and now, as at previous times, France was misled as to the extent of British disloyalty to the House of Hanover. It was in her own interest more than in the interest of the House of Stewart that France, early in 1744, made preparations for an invasion of England on a scale more extensive than had secured the success of William of Orange. It was a necessity of the enterprise—necessary for its success and necessary to justify it in the eyes of Europe—that a representative of the Stewarts should be its most prominent personage. But the elder Pretender was now in his fifty-seventh year, and had lost any ardent hopes he ever cherished of an earthly crown. In his son and heir, Charles Edward, however, the Jacobites had already found a promise of future achievement which the character of the father had never given at any period of his life. In view of the intended expedition, therefore, Charles, then twenty-three years of age, was secretly summoned from Rome to Paris in January, 1744; and in the following month the invading fleet sailed from Brest under the command of Admiral Roqueville[1].

[1] In spite of the attempted invasion France did not declare war against Great Britain till March 20, 1744.

The armament consisted of twenty-two warships, with a force of 4000 men; and, as the plan of the expedition was arranged, Roqueville was to be reinforced by an army of 15,000 men, conveyed in transports from Dunkirk under the command of Marshal Saxe. Again, as in 1588 and in 1707, England was saved by the winds and waves from an attack the issue of which would have been doubtful. When off the Isle of Wight, Roqueville dispatched a summons to Marshal Saxe, whose transports put to sea though neither himself nor the Prince was aboard. Unexpected by Roqueville, however, the English admiral, Sir Charles Norris, with a fleet superior to his own, had already come up with him; and an action would have to be fought before a landing could be effected. Roqueville shrank from the contest and made for the French shore, but was overtaken by a storm which, while it secured him from the pursuit of Norris, played havoc with the transports of Saxe. Never since the Revolution, as England herself fully realised, had she been in such peril of disaster; and never again was the House of Stewart to have such an opportunity of recovering its lost inheritance. And the failure of the enterprise was not only a lost opportunity to the Stewart: in openly identifying himself with the action of England's enemy, Charles was one day to find that he had alienated the heart of the English people.

Twice the French Government had equipped a fleet for the restoration of the Stewarts, and in both cases the enterprise had ended in disaster. Henceforward, though France in her own interests did not cease to aid and abet the Stewart cause, such assistance as she found it expedient to lend was never on a scale sufficient to be a serious danger to the existing English dynasty. This was the determining fact in the fortunes of his House, to be gradually learned by the young hero who was now fairly launched on a career which for a brief space was to astonish the world. Buoyed up by a great hope and by a nature prone to adventure, Prince Charles had no thoughts of returning to the petty circle of his father, between whom and

himself there was a permanent lack of sympathy. In France he would be ready for any opportunity that might arise; and in France he remained waiting on events that might favour the great adventure on which he had set his heart. But during the years 1744 and 1745 the French King had his own battles to fight, and had no resources to spare for another attempt on England either in his own interests or in the interests of the Stewart. Gradually, therefore, it became the fixed conviction of Charles that, if his heritage was to be won, it must be won by his own sword. In Scotland and England themselves, he convinced himself, were to be found the armies that would restore his father and himself to their rights.

So far as England was concerned, his confidence was to prove a delusion; at no time, not even when he seemed to be in the full tide of victory, was there any disposition on the part of the masses of the English people to adopt his cause[1]. As soon appeared, his only hope lay with that people who under Montrose, Dundee, and Mar had shown their readiness to give their lives for the claims of his family. Since the revolution which drove the Stewarts from the throne, it had been a principal part of their policy to maintain a close connection with such Highland chiefs as favoured their cause; and, by alluring promises and by the distribution of honours and of more substantial gifts, they had succeeded in retaining their interest and attachment. So early as 1741, when the turn of events on the Continent seemed to give promise of a coming opportunity, an "Association" of six persons had been formed for the express purpose of furthering Jacobite interests in Scotland and in France. Of the six three were to play a prominent part in the enterprise on which Charles had now set his heart—young Cameron of Lochiel; Simon, Lord Lovat; and the titular Duke

[1] Charles in a letter to his father (Feb. 21, 1745) complains that the English Jacobites were afraid of their own shadows and thought of little else but amusing themselves.—Mahon, *Hist. of England from the Peace of Utrecht*, III. 298—9.

of Perth, grandson of the Chancellor of James VII. Through the agency of two emissaries—William Macgregor, *alias* Drummond of Balhaldy, and John Murray of Broughton, who was eventually to prove a traitor to the cause—the Association carried on negotiations with Charles and his father with the express object of effecting another attempt in favour of the Stewarts. On one point the Scottish Jacobites were, almost to a man, agreed: if the attempt were to be made, its success could only be assured with the assistance of a foreign force[1]. It was only from France that such assistance could reasonably be hoped for; and to persuade France to engage in the adventure was the prime object of the emissaries of the Association. First, therefore, on Cardinal Fleury, the French minister, and subsequently on his successor, Cardinal Tencin[2], Balhaldy and Murray tried their powers of persuasion: the Prince had but to land in Scotland with an adequate force at his back, and there would be such a rising in his favour as would carry him to victory. Thus a formidable enemy of France would be displaced by a powerful ally. But neither Fleury nor Tencin was in a position to yield to these alluring promises, even had they given them the fullest credence.

The futility of these negotiations only strengthened the resolve which Charles had formed on the failure of the French attempt of 1744. It was his only hope and his best hope, he was convinced, to throw himself on the loyalty of his own countrymen, and let them have all the honour and credit of restoring their rightful prince. When at Gravelines, after the dispersion of Saxe's transports, he had seriously proposed to Earl Marischal Keith to hire a single craft and sail for the Scottish coast; and after months of idle waiting in France he announced to Murray of Broughton, that go to Scotland he would, if it were

[1] The Duke of Perth did not share this opinion.

[2] As Tencin owed his Cardinal's hat to the elder Pretender, it was hoped that he would do his utmost in the interests of the House of Stewart.

only with a single footman[1]. An event that happened in May, 1745, finally determined him to make the bid for fortune which to all the world but himself seemed the senseless prank of an unschooled boy. On the 11th of that month the flower of the British troops were cut off at Fontenoy; and England, entangled in a continental war, was crippled at once by her loss of prestige and the loss of her bravest defenders. Of his own initiative, unaided and even discouraged by his Scottish supporters, Charles set about the preparation for his great adventure. He borrowed 180,000 *livres* from a firm of bankers among his adherents, and desired his father to pawn his jewels, though concealing from him the object of the proceeds. Two merchants of Nantes, Rutledge and Walsh, also devoted to his cause, supplied the armament, with which he proposed to sail for the conquest of a kingdom. It consisted of two craft—the *Elizabeth*, carrying sixty-four guns, and the *Doutelle*, a brig carrying eighteen. With the money he had himself raised he was able to procure a store of arms and ammunition, and after the purchase he had still about 4000 *louis d'or* in his pocket. Of all these preparations the French Government was supposed to know nothing; and even the old Chevalier was kept in ignorance till they were virtually completed. "Let what will happen," Charles at length wrote to his father, on the eve of his departure, "the stroke is struck, and I have taken a firm resolution to conquer or to die, and stand my ground as long as I shall have a man remaining with me[2]." Charles's name would have been a more heroic one in story had he stood by his resolution.

On June 22, Charles embarked at Nantes in the *Doutelle*, and on July 5 left Belleisle, where he had been joined by the *Elizabeth*. Along with him in the *Doutelle* were the "Seven Men of Moidart[3]," the only members of the expedition who

[1] Murray of Broughton, *Memorials* (Scot. Hist. Soc.), p. 93.

[2] Mahon, *op. cit.* III. Appendix, p. xvi.

[3] The Seven, of whom three were Irishmen, were:—the titular Duke

knew him for what he was—his incognito being that of a student of the Scots College of Paris, the son of his tutor, Sir Thomas Sheridan, who was one of the Seven. A disaster that occurred on the voyage would have turned from his purpose one less sanguine than Charles. Off the Lizard or Ushant the two vessels were sighted by the *Lion*, a British man-of-war, commanded by Captain Brett; and an engagement could not be avoided. For some five or six hours there was a furious action between the *Lion* and the *Elizabeth*, with the result that both vessels were disabled; and the *Elizabeth* had to put back to France, carrying with her most of the arms and ammunition which Charles had laid in for his enterprise. Charles, it is said, was eager to join in the fight, but Walsh, the owner of the *Doutelle*, refused to risk his precious charge; and, when the result of the encounter was known, the *Doutelle* held on its way. Escaping two other English men-of-war through a lucky mist, she at length reached (July 23)[1] the island of Eriska—a spot which, from the remoteness of its situation and the friendliness of its people, was excellently fitted for beginning the enterprise on hand.

Charles was now face to face with the facts of his great venture. He was at length among the people with whose arms he had confidently reckoned to recover his heritage; would they answer to his trust or belie it? As he fully understood, it was against the wishes and advice of his most devoted adherents in Scotland that he had come without a foreign contingent; for a month previous to his arrival, Murray of Broughton, by the instructions of the Jacobite leaders, had

of Atholl (Marquis of Tullibardine), Sir John Macdonald, Aeneas Macdonald, Colonel Strickland, Sir Thomas Sheridan, Captain O'Sullivan, and George Kelly.

[1] I have followed throughout the dates (all in Old Style) given by Mr W. B. Blaikie in his *Itinerary of Prince Charles Edward Stuart*. They differ considerably from the dates in the log of the "Dutillet," published at Nantes in 1901 and translated by Mr J. N. Robertson for the Gaelic Society of Inverness in 1904.

waited on the west coast to dissuade him from his enterprise. But on the actions of the chiefs depended the action of the clans, on whose support his hopes mainly depended. These were the difficulties that Charles had to face; and it is a signal tribute to his personal qualities that he triumphantly overcame them. For the special circumstances of the moment, indeed, he had precisely the gifts of mind and person that were requisite for success. Unlike his father, whose chilling demeanour had depressed the soldiery under Mar, Charles possessed all the superficial advantages that make a popular hero. His external appearance was such as to please both men and women. The men admired his tall and lithe figure and his power of physical endurance, equal to that of any Highlander in the host he was afterwards to lead. In the opinion of women, who were to be such efficient allies in his cause[1], with his abundant reddish hair, to which his dark eyes formed a striking contrast[2], his handsome features, and melancholy expression, he embodied all that could be desired in a king and a hero. The leading traits in his character equally fitted him for the part he was for the moment called to play. Frank and easy in address, vivacious and ever eager for action, he won without effort the admiring devotion of his susceptible Celtic followers. Even his faults, which gradually became more apparent as the enterprise proceeded, served for the time to strengthen his ascendency over them. His blind confidence in his own fortune, which led him to disregard all consequences, and his easy assumption that absolute self-devotion was a natural duty to himself as the representative of a God-appointed King, imposed on a people to whom the tie between chief and clan was an inviolable bond. It was, then, as a chosen instrument to execute a decree of fate that he regarded himself; and for the

[1] "It is remarkable many of the prettiest ladies in Scotland are Jacobites."—Ray, *A Compleat History of the Rebellion* (London, 1760), p. 289.

[2] His eyes are described as being somewhat lustreless. The colour of Charles's eyes and of his hair is a matter of dispute.

task that lay immediately before him nothing short of such confidence was necessary. Among all the world's heroes, as Frederick the Great told him, he was the only one who had made the attempt to conquer a kingdom without an army behind him. Yet Charles doubtless remembered that, almost exactly a century before, Montrose, attended by two followers, had begun an enterprise similar to his own, had raised a host of Highlanders, and all but made himself master of Scotland. If this could be effected by a subject, what might not be done by a divinely-commissioned Prince?

It was in the country of the Macdonalds that Charles had landed; and that clan had been pre-eminent for its devotion to the Stewarts. It was of ill-augury, therefore, that the first Macdonald to whom he made his appeal—Macdonald of Boisdale—not only told him that he had come on a foolish errand, but did his best to dissuade other chiefs from joining him. Undepressed by this rebuff, Charles sailed on July 25 to Lochnanuach, where he landed at Borrodale in Arisaig. No more favourable district could have been found for beginning his adventure. Its remoteness secured him from immediate attack; the clans in the near neighbourhood were those from whom he had most to hope, and they had a special reason for hostility to the existing Government. For all the clans in this part of the country the Clan Campbell, with the Duke of Argyle at its head, had represented the royal authority since the revolution of 1689; and the Clan Campbell had long been dreaded and detested for its power and rapacity. It was mainly the hate and fear of the Campbells, indeed, that prompted the western clans to look to the restoration of the Stewarts as the only means of crushing an enemy with whom in their own strength they were unable to cope[1]. But even in this

[1] One of the first blows proposed to be struck in the Rising was the seizure of the Duke of Argyle at Inverary. It was Murray of Broughton who suggested this attempt, which circumstances frustrated.—*Memorials*, p. 161.

friendly country the first reception of Charles was far from encouraging. The Macdonald chiefs of the neighbourhood to whom he appealed responded as coldly as their kinsman of Boisdale; and so discouraging seemed the immediate prospect that even the Seven urged his return to France. There were two men whose adhesion to the enterprise it was of the first importance to secure—Sir Alexander Macdonald and Macleod of Macleod. Both of these chiefs had long shared in the Jacobite councils, and Charles had reckoned confidently on their support, but the reply of both to his appeal was the same: had he come with an army at his back they would not have failed him; as it was, they considered his present attempt hopeless.

In these depressing circumstances Charles alone never lost his assurance; and at length his persistence had its reward. Two chiefs, who had hung back at first, declared for him; and these at once by their example and the influence at their disposal made the enterprise possible. The one was young Macdonald of Clanranald[1], and the other Donald Cameron of Lochiel, son of the chief of the Camerons, and known as "Young Lochiel" though now in middle age; and, as Clanranald eventually brought 200 and Lochiel 700 men into the field, the accession of these two chiefs was of the first importance to the enterprise[2]. Another recruit was Macdonald of Glengarry, who bound himself by a written engagement to raise his clan—an engagement which he promptly fulfilled. The Rising had fairly begun, and events now proceeded with a rapidity which characterised the Rising to the end. It was decided that the standard of James VIII should be raised at Glenfinnan on August 19; and,

[1] On the news of Charles's arrival old Clanranald is said to have exclaimed, "What muckle devil has brought him to this county [*sic*] again?"—*Lyon in Mourning* (Scot. Hist. Soc.), III. 185. According to another authority Lochiel did not appear himself, but sent his brother Dr Archibald Cameron.

[2] It was the conviction of the Highlanders themselves that there would have been no rising had Lochiel not joined.

as a pledge that the die was cast, the *Doutelle* left the Scottish coast. On August 11 Charles was at Kinloch-Moidart on the way to Glenfinnan; but, before the raising of the standard, hostilities had begun. On August 14, Captain Swettenham of Guise's regiment, on his way from Ruthven to take command at Fort William, was captured by Macdonald of Keppoch and sent to Charles's camp. Two days later the same clan performed a more notable exploit. The Governor of Fort Augustus, who had received news of the stirring among the clans, deemed it prudent to strengthen Fort William, adjoining the country where mischief was brewing, and the capture of which would have been an important gain for the enemy. Two companies of the Royal Scots, therefore, were dispatched to Fort William under the command of Captain Scott. The distance was about twenty-eight miles, and there was a military road all the way. Scott had accomplished the better part of the march when he was met at Spean Bridge by a band of the Macdonalds, and, ignorant of the strength of the enemy, deemed it prudent to retreat. As he rounded the south-west shore of Loch Lochy, however, the Macdonalds, now strengthened by a body of the men of Glengarry, came up with him and summoned him to surrender. Scott had only lost five men, and his numbers were superior to those of the enemy; but, bewildered by the Highland tactics, he chose to obey the summons. Some eighty men were taken prisoners and not a Highlander had fallen[1].

The 19th of August had been fixed for the raising of the standard and for the gathering of the friendly clans; and on that day Charles proceeded by boat from Kinloch-Moidart to Glenfinnan, the place of rendezvous. He was attended by a guard of 50 Clanranalds, and on the voyage he was joined by 150 men of the same clan. When the glen was reached, not a soul was to be seen to break its solitude. Taking up his

[1] As in the case of almost every event of the Rising, the accounts of this affair are full of discrepancies. The main result, however, is certain.

quarters in a barn at the head of Loch Shiel, Charles awaited what the day was to bring forth. At length the sound of the pibroch was heard; and presently Lochiel appeared on the brow of a hill at the head of some 700 Camerons. Shortly afterwards he was followed by Macdonald of Keppoch; and then came the portentous ceremony of the day. On an eminence in the centre of the glen, the standard—a banner of red silk with a white ground in the midst[1]—was raised by the aged Duke of Atholl[2], aided by two assistants. Then "such loud huzzas and schiming [skimming] of bonnetts up into the air, appearing like a cloud, was not heard of, of a long time[3]." A stirring speech from Charles, in which he expressed his confidence of "a happy issue," closed the ceremony, which no ill-omen had attended as in the case of the raising of the standard by Mar.

Now that the great issue was about to be joined, what were the respective prospects of the two sides in the coming struggle? One fact at once arrests our attention: Charles did not begin his undertaking under such promising auspices as Mar in the 'Fifteen. In the case of the Highlanders, the mainstay of both enterprises, there was no such spontaneous and general response to Charles as there had been to Mar. The chiefs who had shown themselves most eager for a Stewart restoration were convinced that this new attempt was irrational and desperate; and it was against their own judgments that they were persuaded to take part in it. Had Charles been a man after the pattern of his father, it may be doubted if a rising would have taken place. It was Charles's own enthusiasm and personal charm that won over Clanranald and Lochiel; and the example of these two chiefs gave the first impetus to the enterprise. The attempt fairly

[1] The motto, *Tandem Triumphans*, was not inscribed till some weeks later.

[2] William, Marquis of Tullibardine. He had been attainted for his part in the Rising of 1715.

[3] *Culloden Papers*, p. 387.

begun, however, the very disadvantages under which Charles had come turned decisively in his favour. Chiefs and clansmen alike were touched by the fact that he had chosen them as the instruments for the recovery of his rights; and his implicit confidence in their loyalty appealed at once to their sentiment and their imagination. But, as abundant evidence proves, it was not from purely disinterested motives alone that the chiefs had thrown themselves into the cause. Even Lochiel, the most heroic figure in the band, made a hard and fast bargain with Charles before he gave in his adhesion: should the attempt miscarry, the full value of his estate was to be made good to him. In the event of success the hope of all the chiefs was that the restoration of the Stewart would imply increased power and increased domains at the expense of such as had given their support to the existing dynasty. Of the sordid aims and shifty practices of many of them there can now be little doubt; but from what important movement, political or religious, have these baser elements been absent? When we turn from the chieftains to the clans, what we find is a general indifference equally to the House of Stewart and the House of Hanover, and an aversion to take up arms at the command of their chiefs. In the case of many of the clans, actual coercion was necessary to compel them to take the field[1]; and, once in the field, numbers deserted whenever a convenient opportunity offered. Like the chiefs, many of the rank and file doubtless came under the spell of Charles's enthusiasm and gallant bearing; but the dominant thought in the mind of the average Highlander was that he was engaged in a Highland raid on a large scale which ought to result in proportionate profit.

If the Highlands on the whole responded less readily to Charles than to Mar, the state of feeling in the Lowlands did not compensate for the disadvantage. In 1715 all classes in the Lowlands were groaning under the supposed results of the

[1] Cf. *A List of Persons Concerned in the Rebellion* (Scot. Hist. Soc.), p. 360.

Union; and the Hanoverian dynasty was as yet but an experiment that remained to be tried. Jacobites, moreover, were at once more numerous, more confident, and disposed to be more adventurous. But during the intervening thirty years the most energetic part of the Lowland population had begun to see that there were possibilities of good in the Union, and to adapt themselves to the conditions it imposed. This changed attitude was most signally exemplified in the case of the towns to the north of the Forth. In the 'Fifteen, Perth, Dundee, and Aberdeen had opened their gates to Mar, but it was only under compulsion that they opened them to Charles. Further, in the case of Mar's rising there were two obstacles to his success in the Lowlands, and these presented still graver difficulties to Charles. That an army of Highlanders should be the instrument of restoring the exiled House was a prejudice to the Jacobite cause which had been deepened by the growing contrast between the industrial Lowlander and the Highlander despising all trade and commerce. To the Lowlander in 1745 the Highlander was, to a greater degree than ever before, an alien, a barbarian, and a natural enemy. But the insuperable objection to the Stewarts was still that which had originally caused their rejection—their identification with the Church of Rome. If there was less fanatical hatred of Rome than in the previous century, on the other hand Protestantism was now more closely wrought into the life of the nation and bound up with its material prosperity. It was in vain that Charles in his manifestoes promised equality of religion in his father's name. That father, it was known, had made his home in the headquarters of the detested religion and was the pensionary of the Pope; and Charles himself, though a Gallio in matters of faith, persistently refused, save on one occasion, to enter a Protestant place of worship throughout his whole campaign[1].

[1] It is on record that Charles attended an Episcopal place of worship in Perth.—Chambers, *Hist. of the Rebellion in Scotland in* 1745–6 (Edin. 1830), I. 87. Cf. *Lyon in Mourning*, II. 96, note.

In certain respects, the circumstances of the year 1745 were more favourable to a successful rebellion than those of the year 1715. In 1715 there was a strong central Government, composed exclusively of Whigs, which, once the alarm had been given, took firm and united action to meet the threatened danger. In the Duke of Argyle, moreover, it had a commander who by his experience and prestige was specially fitted to cope with the enemy with whom it had to deal. In 1745, on the other hand, affairs were directed by "a divided and a diffident Ministry[1]"; and this Ministry had no commander immediately at hand who was equal to the sudden emergency. At both periods the rivalries of the Squadrone and the Argathelians seriously impeded consistent and resolute action in the crisis through which the country was passing, but in the 'Fifteen the promptness of Argyle, backed by the united central Government, overcame all difficulties that faction threw in the way. In the 'Forty-five a feeble Ministry and the lack of a capable general gave full scope to the reckless rivalry of parties, with the result that till the last stages of the rebellion no concentrated effort could be made for its suppression. On the fall of Walpole, Lord Tweeddale, the leader of the Squadrone, had been appointed to the revived office of Secretary of State for Scotland, with the patronage of all places in his hands. But, though excluded from the Secretaryship which he had desired for himself, Lord Islay, now Duke of Argyle, was still what he had long been, the virtual "King of Scotland[2]." Tweeddale therefore, in his administration of Scottish affairs, was guided in the first place by the probable results of his action on the influence of his rival[3]. It was out of antipathy to Argyle, we

[1] This is the description of the Government given by Sir Andrew Mitchell, Under-Secretary of State for Scotland.—*Culloden Papers*, p. 227.

[2] It was a remark of Lord Chesterfield that affairs in Scotland would never be settled till George was king of that country and not Argyle.—Omond, *Lord Advocates of Scotland*, II. 25.

[3] Lord Gower, the Privy Seal of England, told Lord Marchmont that the Ministry could not depend on any information from Scotland, as the one party flatly contradicted the other.—*Marchmont Papers*, I. 106.

are told, that no preparations were made to meet the emergency, though for months before the coming of Charles the Government was fully aware that he might be expected. When the Rising had actually begun, and Lord Marchmont proposed that he and certain other nobles should receive commissions to raise levies in Scotland, Tweeddale informed him that there was no need for such action, as the irregular troops of the enemy would prove no match for the regular troops of the Government. The most serious neglect on the part of Tweeddale, however, was that all through the crisis he failed to supply loyal subjects with the arms necessary to defend themselves against the invader. As the result of the disarming of the Highlanders by Wade, the loyal clans had been deprived of serviceable weapons, while the disloyal had retained them. When Tweeddale was urged to supply arms to those who would make good use of them, his answer was that he would not run the risk of arming enemies instead of friends. A further mischievous result of the division of parties was that the officials in charge of Scottish affairs could not act in concert, and even deliberately checkmated each other. Craigie, the Lord Advocate, was told by Tweeddale that he was not to be guided by President Forbes, who did more than any other man to save his country; Craigie and Dundas, the Solicitor-General, were hardly on speaking terms; and General Cope was instructed to make no important movement without first consulting Craigie and Lord Milton, the Lord Justice-Clerk. It was amidst these distracted counsels and the consequent paralysis of action that Charles was now to find his opportunity.

Before the end of July the Government had been informed that Charles had left France, though it was still unaware that he had actually landed in Scotland[1]. As in the case of his father, its first step was to put a price of £30,000 on his head—an attention which Charles afterwards repaid by offering a similar sum for that of the "Elector of Hanover." So ill-

[1] Yet after Fontenoy an invasion had been generally expected.

served were the authorities with information that, though Charles had landed at Borrodale on July 25, it was not till August 8 that the news reached Sir John Cope, the Commander of the Forces in Scotland. Of his own counsel and with the approval of those to whom he was responsible, Cope decided to march to Fort Augustus in the hope of checking the Rising before it came to a head. Had this step been taken a month before, as prudence might have dictated, in all probability there would have been no 'Forty-five. But, as Cope was to learn to his cost, his plan of operations was belated, and the forces at his disposal were inadequate to its execution. In all Scotland at this moment there were not 3000 troops; and most of these were recent levies, dispersed among the strongholds throughout the country. Under his immediate command Cope had about 1500 men, of whom 100 were dragoons; and with this force he marched from Edinburgh to Stirling on August 19. In the 'Fifteen Argyle, prudently as the event showed, had made his headquarters at Stirling, and effectually checked the enemy's march into the Lowland country. To guard the Forth, Cope left his 100 dragoons —a force totally inadequate for the purpose—under the command of Colonel Gardiner, and continued his own march to Crieff. It was another of Cope's illusions that in his march through the Highland country he would be joined by large numbers from the loyal clans; and in anticipation of these reinforcements he took with him a thousand stand of arms for their equipment. As the march proceeded, however, not a single recruit presented himself; and most of the arms were sent back to Stirling as a useless encumbrance. Even thus relieved, Cope found the march arduous. As the country could afford no supplies, he took with him a train of black cattle and a vast quantity of provisions which his sumpter-horses were unable to transport with sufficient expedition. He was reminded, moreover, that he was in an unfriendly country; his baggage-horses were stolen during the night, and the

natives to whom he applied for information deliberately misled him. At Dalnacardoch in the Forest of Atholl, where he arrived on August 25, he received news which were sufficiently disquieting. There he was met by Captain Swettenham, released on parole, who informed him that the rebels to the number of 3000 were marching on Corryarrick Pass with the object of opposing his march to Fort Augustus.

Such, indeed, was Charles's bold resolution. Since the raising of the standard at Glenfinnan his adherents had increased at once in numbers and enthusiasm. It was at Kinlochiel, where he remained during the 21st and 22nd of August, that he first heard of Cope's intended march to Fort Augustus through the pass of Corryarrick; and he promptly decided to oppose him. At Moy he took a prudent step which proved to be in the immediate interests of the enterprise. On the 18th of August[1] he had been joined by Murray of Broughton, the emissary of the Association; and he now made Murray his secretary with the charge of a general superintendence of the army. Murray was to be the arch-traitor of the cause, but for the post to which he was appointed no fitter man could have been chosen; and his illness at a critical moment in the attempt was acknowledged to be one of the causes of its failure. For one moment there was hesitation as to the most expedient course which the army should follow. At Invergarry Charles received a communication from Lord Lovat, the chief of the Frasers, urging him to march at once to Inverness and offering the support of his own and other clans in the north. Fortunately for himself, as we shall see, Charles rejected Lovat's proposal, and, at the earnest instance of the Duke of Atholl, resolved to carry his arms southwards and make direct for Edinburgh. An incident that took place at Invergarry reminds us of the nature of the host that was about to contend for a kingdom: in true Highland fashion a bond was drafted by which the chiefs pledged them-

[1] Perhaps a few days earlier.

selves neither to lay down their arms nor to make peace without the consent of their whole number. On the march to Corryarrick Pass there were several important accessions. The Stewarts of Appin joined with 260 men, the Macdonalds of Glengarry with 400, the Macdonalds of Glencoe with 120; and it was with a force amounting to nearly 2000 that Charles now prepared to dispute Cope's passage. It was in the spirit of the most sanguine confidence that Charles looked forward to the expected encounter; on the morning of the anticipated event he donned the Highland garb which he continued to wear throughout the campaign, and, as he tied on his brogues, he "solemnly declared" that he would be up with Mr Cope before they were unloosed[1]. Cope, however, had determined not to risk the chances of a battle. At Dalwhinnie he had learned that Charles had occupied the north end of the pass and that his intention was to enclose the royal forces in their progress through it. The pass (the Devil's Staircase, it was significantly called) was four miles long, with no fewer than seventeen sudden turnings and with a deep ditch on one side; steep in ascent, moreover, and beset with rocks and thickets which afforded admirable ground for such an enemy as the Highlanders. To face the enemy in such circumstances would have been an act of audacity to which Cope was unequal. With the approval of a Council of War he avoided the dangerous pass, and instead of making for Fort Augustus, which was his original destination, he made a detour to the east and by way of Ruthven in Badenoch reached Inverness on August 29.

Confident as they had been of victory, both Charles and his followers were bitterly disappointed on discovering that Cope had eluded them. Calling for a glass of usquebaugh, a beverage to which he became only too partial, Charles drank

[1] *Culloden Papers*, p. 216. In imitation of his favourite hero, Charles XII of Sweden, Charles marched on foot at the head of the clans. He did not, as is generally supposed, wear the Highland dress during his residence in Holyrood.

to the health of "Mr Cope," and expressed the wish that all his enemies might prove equally accommodating[1]. After some hesitation as to whether Cope should be followed up, it was concluded that he had had too long a start, and that the most prudent course was to carry out the intention of a direct march on Edinburgh. Against the opinion of Charles, an attempt, which proved unsuccessful, was made on Ruthven Barracks with the object of securing a quantity of meal, the army having hitherto subsisted on broiled flesh. Another enterprise was attended by a happier result; a party of the Camerons, dispatched for the purpose, seized the heir of Cluny, the chief of the Macphersons, in his own house—whether with his own connivance or not is uncertain. Young Cluny had been previously appointed to a company of one of the royal regiments, and till the day before his capture had been in attendance on Cope, who, suspecting his loyalty, had deliberately insulted him. Cluny's sympathies were strongly Jacobite, and, brought into contact with Charles, he easily yielded to his blandishments. Even an angel, he said, could not resist "the soothing close application" of the Prince; and some days later he pledged himself to raise his clan on condition that Charles became security for the value of his estate[2]. Pursuing his march southwards into the district of Atholl, Charles reached (August 31) Blair Castle; and, the Duke having fled at his approach, the castle was given to his attainted elder brother, the Marquis of Tullibardine, who had raised the standard at Glenfinnan. On the evening of September 4, Charles entered Perth arrayed in a resplendent suit of tartan gaily trimmed with gold. The magistrates had fled to Edinburgh, but he was received with

[1] Charles at a later stage of his adventure drank a bottle of brandy a day "without being in the least concerned."—Blaikie, *Itinerary* (Macceachain's narrative), p. 100. Before Charles's coming to Scotland, his father had already noted "un peu trop de goût qu'il sembloit alors avoir pour le vin."—Browne, *History of the Highlands*, III. 445.

[2] Cluny had previously pledged himself to raise his clan for the Government.

cheers by the populace, though, as subsequently appeared, the majority of the citizens were out of sympathy with his cause[1]. At Perth there was a halt of seven days, rendered necessary by the measures that had now to be taken for the organisation of the army.

First, as a definite announcement of the object of the Rising, the father of Charles was proclaimed King of Great Britain and Ireland under the title of James VIII[2]. But the all-important question was the means by which the enterprise was to be carried to a successful issue. When Charles entered Perth, he had only one guinea in his purse; but his army, though a voluntary one, expected to be both fed and paid. There were those now with Charles who could remind him how Mar had met his expenditure in the 'Fifteen—by exacting contributions from the towns and country districts over which he could exert his authority. All through his campaign, therefore, this was the method of raising supplies adopted by Charles; and he now began operations at Perth. Perth itself was mulcted in £500; and from Dundee, Arbroath, Montrose, and other towns, left defenceless by the flight of Cope, proportionate sums were exacted. The means for provisioning it being now supplied, the army had next to be organised into fighting shape. During the march from Corryarrick Pass, but especially during the halt at Perth, there had been some notable accessions, which were to be at once a source of weakness and strength in the immediate future. Among the most conspicuous recruits were Lord Nairne, the titular Duke of Perth, Lord George Murray, Oliphant of Gask, Lord Strathallan, and Chevalier Johnstone, who subsequently wrote *Memoirs* of the Rising. Of these persons, the Duke of Perth and Lord George Murray were to play the most conspicuous part in the enterprise. Perth's high rank made him

[1] The city of Perth, we are told, was "wanting in respect" to Charles and his following.—Murray of Broughton, *Memorials*, p. 188, note.

[2] The same proclamation was made at Dundee.

a valuable recruit, though neither by his character nor ability nor by the number of men he brought into the field[1] did he materially contribute to the efficiency of the rebel army. For good reasons, however, Charles placed implicit faith in his loyalty; Perth was a Catholic, had spent the greater part of his life in France, and by sentiment and conviction was devoted to the House of Stewart. In Lord George Murray, Charles from the first had no such confidence; and Murray's antecedents to a certain extent justified his suspicions. Murray had served under Mar in the 'Fifteen and at Glenshiel in 1719, but had afterwards made his peace with the Government, and like his brother, the Duke of Atholl, was regarded as a loyal subject. Though Charles may not have been aware of the fact, Murray, shortly before joining him, had expressed to the Lord Advocate Craigie his disapproval of the rebellion, and had been one of those who gave a friendly greeting to Cope while he was at Crieff[2]. Yet, in spite of Charles's suspicions, it was to Murray, more than to any other man, that he mainly owed such successes as he achieved. "I do not ask you to go before," he would say to his men on the eve of action, "but merely to follow me"; and the friendly observer who records the saying remarks that had Charles slept throughout the whole affair and left Murray in sole command, the Rising would have had a different end[3]. As it was, Murray's own jealousy of Perth and Charles's suspicions of his ulterior motives were to be among the chief causes of the eventual failure of the enterprise. Meanwhile, however, Murray's abilities could not be dispensed with in the immediate necessity of organising the force now at Charles's disposal; and he and Perth were appointed Lieutenants-General—an ill-assorted pair, as the event was to

[1] It was by sheer compulsion that Perth, Oliphant of Gask, and others were able to raise the tenants on their lands.—Chambers, *op. cit.* I. 83.

[2] Omond, *Lord Advocates of Scotland*, II. 15—16.

[3] Chevalier Johnstone, *Memoirs of the Rebellion* (London, 1822), pp. 26, 186, note.

prove. By Murray's advice the clans were arranged in battalions; each soldier was provided with a bag for carrying meal—the staple of the army's diet—and, by his further judicious suggestion, the clans were to be left to their own methods of fighting.

It was in high hopes of ultimate victory that Charles left Perth (September 11) on his memorable march to Edinburgh. "Since my landing," he had written to his father from Perth, "everything has succeeded to my wishes. It has pleased God to prosper me hitherto beyond my expectations[1]." By way of Dunblane and Doune he reached the Fords of Frew on the Forth, some six miles to the west of Stirling, on September 13. Colonel Gardiner's dragoons had been stationed at the Fords to dispute his passage; but, as the enemy could effect a crossing at different points, Gardiner was unable to execute his purpose, and he made a rapid retreat to Linlithgow. Having thus successfully crossed the Forth, an achievement from which Mar had shrunk in the 'Fifteen, Charles addressed a peremptory demand to the Provost of Glasgow for a contribution of £15,000 and the surrender of all the arms in the city, and to enforce the demand made a feint of marching thither. On the 14th the army proceeded past Stirling, some shots from the Castle taking no effect, and after a halt at Bannockburn encamped at Falkirk on the same day. Here Charles was joined by Lord Kilmarnock, one of the few Lowland noblemen who espoused his cause. Kilmarnock had fought against Mar in the 'Fifteen, and had since lived a life which had made him regardless of consequences. As his end was to prove, it was from desperation rather than conviction that he now joined the Pretender; and he was to earn an unenviable name in Jacobite memories. It was now, also, that Lord George Murray gave the first proof of the energy and enterprise by which he was to be distinguished throughout the campaign. During the night when the army was encamped at Falkirk, he led a detachment to Linlithgow with

[1] Ewald, *The Life and Times of Prince Charles Stuart* (London, 1875), I. 169.

the object of surprising Gardiner's dragoons. These doughty warriors, however, did not await his coming; and it was evident that Charles had little resistance to anticipate before he reached the capital. On Sunday, September 15, the rebels were at Linlithgow, where Charles gave orders that the church service should proceed as usual; and the following day they advanced to Corstorphine, only three miles from Edinburgh. During the long march from Perth they had been kept under perfect discipline; such provisions as had been required were bought with legal money; and the Highland instinct for plunder had been rigorously repressed[1]. The crisis of the Rising had now come; if the attempt on the capital miscarried, the enterprise must prove the mad escapade which the majority of Charles's advisers had predicted.

It was at an opportune moment that Charles sought to make himself master of Edinburgh. The walls of the town, which had never been satisfactorily constructed, were now in a condition that rendered them incapable of effectual defence. The time was also long past when every burgher was a capable man-at-arms, and when every candidate for citizenship had to give evidence that he possessed the full equipment of offensive and defensive arms prescribed by the burgh. Certain bodies, indeed, existed for the defence of the town; but, as the event was to prove, they were ridiculously unfit to discharge the duty to which they were about to be summoned. There was the Town Guard, a body of military police, now numbering 126 men, mostly advanced in years and totally unacquainted with war; and there were the Trained Bands, over a thousand in number, composed of citizens whose only claim to be reckoned as soldiers was that they annually appeared in uniform on the King's birthday. On the first alarm of the Rising, an attempt

[1] At Stirling Lochiel shot one of his men for plundering. The Whig writer of the *Woodhouselee MS.* (Edin. and Lond. 1907) testifies that "never did 6000 theiving ruffiens with uncowth wappons make so harmeless a march in a civilised plentifull country" (p. 17).

was made to raise a regiment for the defence of the city; but it was the legal opinion that this could not be done without the permission of the King, and it was not till the 9th of September that the requisite permission was received[1]. So tardy, however, was the response both in the town and in the neighbouring country that, when Charles appeared before the walls, only some 200 men had enlisted in the proposed Edinburgh regiment. More enthusiasm was shown in the formation of a regiment of Volunteers, which rose to the number of 400, made up of tradesmen, apprentices, and students at the University. Such were the numbers and character of the force which, through the remissness of the Government, was to be entrusted with the defence of the capital of the kingdom. And, if the defending force was inadequate, the spirit that prevailed in the city was not such as to promise heroic and united effort. Two-thirds of the men, we are told by a contemporary, were Whigs, and two-thirds of the women were Tories; and there was a further cleavage of opinion between the citizens who thought that the town should be defended and those who thought that defence was useless[2]. At the very time when Charles appeared, moreover, there was pending an election of magistrates which appears to have exercised the minds o the citizens as much as the dread of the approaching enemy. The issue at stake in the coming election was whether the existing magistracy, which, with Provost Stewart at its head, was Jacobite in its sympathies, should be displaced by one as decided in its sympathies with the reigning dynasty. So keen was the strife between the two parties that united action for the defence of the town was rendered impossible; and Maclaurin, the Professor of Mathematics in the University, who undertook

[1] So careless and ill-informed was the Government that, the very day Charles entered Edinburgh, both the Scottish Secretary and Under-Secretary were under the delusion that Charles had retreated to the Highlands.—Omond, *op. cit.* II. 18.

[2] Carlyle, *Autobiography*, p. 112.

to strengthen the walls, had to complain that he worked "under infinite discouragements from superior powers[1]."

It was on Sunday, September 15, the day on which Charles reached Linlithgow, that the town was first made to realise its impending danger. Shortly after ten o'clock, when service had begun in the churches, the fire-bell rang—an ominous summons at all times, but on this occasion of specially awful portent. It was a summons to the Volunteers and other armed bodies in the town to accompany the dragoons under Colonels Gardiner and Hamilton to Corstorphine, where it was proposed to dispute the enemy's further progress. Not a Volunteer, however, ventured out of the town gates; and the dragoons were supported by only 180 men of the Edinburgh Regiment and the Town Guard. But the dragoons were to prove no greater heroes than the Volunteers. On the day following the alarm, Colonel Gardiner, who had been in command of both regiments, was displaced by General Fowkes, who stationed his force at Coltbridge about a mile to the west of the town, with an advance guard at Corstorphine. It was on the afternoon of the same day that Charles had reached that village, and a reconnoitring party he had sent forward came in sight of Fowkes' pickets. The sight of the enemy and a few pistol shots fired at random proved too much for the courage of the dragoons, who at once made off to the main body at Coltbridge; and these in their turn were seized with such a panic that they fled as fast as their horses could carry them through the fields now occupied by the new town of Edinburgh, and did not draw rein till they reached the village of Prestonpans, nine miles distant[2].

[1] *Culloden Papers*, p. 262. The tradesmen of the town were so much taken up with the election that they had no leisure to attend to the walls. —Home, *History of the Rebellion* (Edin. 1822), III. 39. On the conduct of Provost Stewart see *Woodhouselee MS.* pp. 15—16.

[2] This affair was known as the "Canter of Coltbridge." After the flight Colonel Gardiner told Carlyle that he had not above ten men on whom he could depend.—Carlyle, *Autobiography*, p. 132.

With the flight of the dragoons, which the townsmen had seen with dismay, went any hope of a successful defence. A meeting was called by the Provost with the view of ascertaining public opinion; but its divided counsels were interrupted by a letter from Charles in which he peremptorily demanded the surrender of the town. In the vain hope of securing a temporary respite, a deputation was dispatched to Charles, now quartered at Gray's Mill near Slateford. The deputation was not even admitted to his presence, but was informed by Murray of Broughton that only immediate surrender would secure the town from attack. Even while the ambassadors were on the way to Charles, however, news reached the town that Cope was nearing Dunbar; and, too late to overtake them, a messenger was dispatched for their recall. The deputation returned about ten o'clock at night with Charles's ultimatum; but, still in the desperate hope of gaining time, a second embassy was dispatched in a hackney coach at two o'clock in the morning of the 17th. Again Charles refused to consider their petition; and the deputation made its way home, to be the unwitting instruments of the capture of the city.

Charles had in fact determined to anticipate the action of the distracted magistracy. Immediately after the second deputation had left his camp, Lochiel, Murray of Broughton, and O'Sullivan, at the head of 900 men, marched round the south side of the town to the Nethertown Port. Then one of the band, dressed in a "great coat and hunting cape," was sent forward to request admittance—the arrangement being that the whole force should effect an entrance the moment the gate was opened. The man was refused admittance; and, as the simple ruse had failed, it was proposed to retire to St Leonard's Crags, where, secure from the guns of the Castle, Charles's further orders might be awaited. Just at this moment appeared the coach of the returning deputies; and, as the gate was opened for its admission, the Highlanders with a "hideous yell" rushed

in behind it. The guards at the gate offering no resistance, they swept up the street and seized the Guardhouse; after which, all the ports being secured, the main body drew up in the Parliament Close. Without the loss of a single life Charles was master of the chief town in the kingdom.

Marching by way of Morningside to avoid the fire of the Castle, Charles at the head of his main body entered the King's Park to the east of the town about 10 o'clock of the same eventful morning. Partly from curiosity and partly from sympathy with his cause, crowds had flocked to see the representative of their ancient kings on this the proudest day of his life. Even those who were least friendly disposed to him admitted that he became the part he had to play. His admirers thought he resembled Robert Bruce, while the censorious agreed that he looked like "a gentleman and a man of fashion," if "not like a hero or a conqueror." As he neared Holyrood Palace, he mounted a horse to avoid the pressure of the crowd, and with the Duke of Perth on his right and Lord Elcho on his left he rode to the entrance of the ancient home of his fathers. At the door he was met by an enthusiastic adherent, James Hepburn of Keith, who with drawn sword marshalled him into the Palace. At noon a ceremony took place, which was regarded with different feelings by the assembled multitude: at the Town Cross, James VIII was proclaimed King and Charles his Regent—the heralds and other officials having been secured for the performance of the ceremony.

But business of another kind summoned Charles from these triumphs. At the very hour when James VIII was being proclaimed at the Town Cross, Sir John Cope was disembarking his troops at Dunbar, some thirty miles from Edinburgh. Too late to intercept the approach of the rebels, he lost no time in marching on the capital, and on the 19th of September he reached the town of Haddington. It was on the evening of the same day that Charles heard of his approach; and the following morning about 10 o'clock his army left its camp at Duddingston

to give battle to Cope. "I have flung away the scabbard," he exclaimed, as he put himself at its head, "with God's assistance, I don't doubt of making you a free and happy people." In a long column, only three abreast, his united force crossed the Esk at Musselburgh, and ascending the steep slope which leads to Carberry Hill and Fawside Castle, proceeded along the ridge overlooking the Firth of Forth, which a century before had been followed by Leslie in his pursuit of Cromwell at Dunbar[1]. On the same day Cope had marched from Haddington to Prestonpans. As the Highlanders approached the village of Tranent, the two armies came in sight of each other—a shout from the royal troops and a yell from the rebels proclaiming their mutual recognition. After some manoeuvring, which so discomposed Cope that he had five times to change his position, Charles finally pitched his camp a little to the east of Tranent, where he was secure from the enemy's artillery. As night fell there was perfect stillness in the Highland quarters, and not a light revealed their position, while blazing fires illuminated the camp of Cope.

When both armies lay down for the night, it was in the certainty that the morrow would bring battle. The two sides were not ill-matched. During his halt in Edinburgh, Charles had been reinforced by 150 of the Clan MacLachlan, 250 Atholl men led by Lord Nairne, and about 100 of the Grants of Glenmoriston, so that his total force now amounted to about 2500, Cope's being nearly the same in number[2]. On both sides there were disadvantages which in a fair field and with equal conduct might have made the coming issue doubtful. Charles had but one useless field-piece; and, though he had secured 1000 muskets from the Edinburgh magazine, many of his following were without the weapons of modern warfare. In equipment

[1] The whole body of Charles's horse, fifty in number, were sent on before to reconnoitre.

[2] These numbers are approximately those given by Mr Blaikie in his invaluable *Itinerary* (pp. 90—1).

Cope had greatly the advantage: he had six guns and some mortars, and a body of 600 cavalry; but, on the other hand, he had no trained gunners, and both his horse and their riders were for the most part untrained to action. But there was to be no fair field and no pitched battle, and the event of the encounter of the two hosts was never for a moment to be in the balance.

As Cope had finally taken up his position, his army faced east, with a long wall about twelve feet high immediately in his rear, the village of Preston being a little further to the south-west. In front of him were some fields in stubble extending to a waggon-road which still connects Cockenzie and Tranent; on his left the ground sloped down to the sea between Cockenzie and Prestonpans; and on his right was the high road which still runs past the hamlet of Seton. To the south of the high road were a deep ditch and a morass. Once across this ditch and morass, Charles would have a clear approach to the enemy through the open fields; and a fortunate chance brought him the opportunity. Before day broke, one Anderson of Whitburgh, a native of the district, communicated the information that there was a footpath across the bog by which he would undertake to conduct the army into the open fields beyond. Day had broken when the crossing was effected, but a thick mist still concealed the two armies from each other. Like "hunters in quest of their prey[1]," the Highlanders stole upon the enemy; and so sudden was their onset that only two shots were fired by Cope's artillery, those in charge of it being at once cut down or put to flight. The cavalry, which Cope had stationed on his right and left wings, were thrown into confusion at the outset and disordered the main body of the infantry, which fled almost without striking a blow[2]. From the nature of the ground, and owing to the high

[1] Henderson, *op. cit.* p. 30. Another writer says that the approach of the Highlanders was "like a black hedge."—Ray, *op. cit.* p. 39.

[2] After the battle it was noted that there was no blood on their bayonets.

wall in the rear, however, escape was hardly possible; and almost to a man the foot were either wounded, taken, or slain. The gallant Colonel Gardiner, deserted by his own troop, was cut down by a Highlander's scythe while encouraging a small body of infantry who had made a braver stand than their companions; while Cope, at the head of the greater part of his cavalry, fled from the field by way of Dalkeith, Lauder, and Coldstream, and reached Berwick-on-Tweed on the following morning. The actual fighting was over in less than ten minutes[1].

The immediate fruits of the victory were such as to encourage the most sanguine hopes of Charles and his followers. It was the crowning stroke of what had hitherto been a triumphant progress; and for the moment it laid Scotland at the victor's feet. The castles of Edinburgh and Stirling, the forts in the Highlands, the town of Inverness, and the country adjoining it, were still held for the Government; but there was nowhere a force that could meet him in the field. It was in the triumph of victory and confidence in his fortune that Charles the day after the battle proposed an immediate march into England—a proposal which was overruled by the majority of his advisers. On September 22, therefore, the army returned to Edinburgh[2] as the most convenient rallying-ground and the natural seat of authority. There for over a month Charles exercised all the powers of sovereignty which circumstances permitted. He consulted with a Council which met daily in Holyrood; he had even thoughts of calling a Parliament; and he put his ban on "the pretended Parliament of the Elector of Hanover," which had been summoned to meet on

[1] The action is generally known as the "Battle of Prestonpans," though the village of Preston is nearer the field. The Jacobites called it the "Battle of Gladsmuir," as they preferred to consider it the fulfilment of an ancient prophecy of a victory to be gained at Gladsmuir.

[2] As the army entered Edinburgh, the bagpipes struck up the tune, "When the king enjoys his own again."

the 17th of October[1]. Wherever his authority extended, he appropriated the public money; the best horses in the neighbourhood of Edinburgh were requisitioned for his cavalry; and the towns were forced to make such contributions as were deemed proportionate to their resources. Apart from these measures, necessary in his position, he spared no means of making himself acceptable to the country. Levées at Holyrood, which he was so well fitted to grace, gave the semblance of a Court, which was a novel experience for the citizens of the capital. In a proclamation issued on the 10th of October he drew an alluring picture of the happy results that would ensue on the accession of his father to his rightful throne. The "pretended Union" would be abolished; the monstrous National Debt would be dealt with by a legal Parliament; and everyone would be free to be of what religion he pleased.

Under all this show of authority, however, the inherent weakness of Charles's position was manifest to all discerning observers. Throughout the whole Lowland country there was no indication of any movement in his favour; and even in Edinburgh, his headquarters, only 300 persons, and these not very desirable recruits, assumed the white cockade. Nor was he complete master of Edinburgh, while its Castle was still held for the Government and commanded the town. On his return from the victory at Prestonpans, he had prohibited all communication with the Castle; but, when its governor, General Guest, sent some shots into the town, he countermanded the order out of consideration for the citizens[2]. These were formidable difficulties to be overcome if the cause was eventually

[1] Charles also touched for the King's Evil.

[2] An interesting account of Charles's dealings with the Royal Bank of Scotland will be found in Campbell's Diary (*Miscell. Scot. Hist. Soc.* Vol. II.). In payment for notes he received £6500 from the Bank. A lively description, from a Whig point of view, of Charles's occupation of Edinburgh is given in the *Woodhouselee MS.*

to triumph; but there were other difficulties with which Charles had to contend and that demanded personal qualities in which he was conspicuously deficient. Even while he was at Perth animosities had broken out among his chief followers, partly due to mutual jealousies and partly to fundamental differences of opinion. Since the day he had landed, Charles had shown his preference for Irish officers, at once as his oldest friends and as most disposed to flatter his notions of his own consequence. But to the proud Highland chiefs these Irish were mere adventurers who had nothing to lose in any event, while they themselves risked their all. As the enterprise proceeded, therefore, it was with growing dissatisfaction that they saw themselves set aside in favour of persons whose opinions alike in politics and religion only compromised its success. But it was the mutual dislike and rivalry of Murray of Broughton and Lord George Murray that proved most disastrous to Charles's interests. They were the two ablest men among his following —the one his most capable administrator, the other his most daring and skilful officer. As has been said, Charles had suspected Lord George's loyalty from the beginning; and it was to Murray of Broughton that he preferred to give his confidence.

A momentous decision had now to be taken, which revealed the conflicting interests and opinions that divided Charles's Council. We have seen that on the very day of his late victory he had proposed an immediate march into England. He was overruled at the time, but he did not abandon his intention; and on September 22 he had dispatched an agent[1] into Northumberland to prepare his adherents for his coming. To an invasion of England, however, the Highland chiefs and their clans had a superstitious aversion, begotten of past memories; and it was against their own convictions that they consented to a compromise which was to end in disaster. It was Charles's wish that the invasion should take place by way of Northumberland; but to this proposal Lord George Murray

[1] This agent was arrested at Newcastle.

and most of the chiefs refused to listen, and on grounds that were sufficiently reasonable. By the close of October there were still no indications of any Jacobite rising in England; and, moreover, on the 29th of that month, Marshal Wade was at Newcastle with a force which was estimated at 14,000 foot and 4000 horse[1]. The alternative proposed by Murray and the chiefs was that, while making a feint of marching against Wade, the army should enter England through Cumberland and thus give an opportunity for the Jacobites of the western counties to declare themselves for Charles. To this suggestion Charles reluctantly gave his consent (October 31) rather than abandon the invasion on which he had set his heart.

Since the day of Prestonpans the army had been materially increased in numbers and improved in equipment and discipline. Among the more important personages who had joined Charles were Lord Ogilvie, Viscount Dundee, Lord Pitsligo, Lord Lewis Gordon, the Earl of Nithsdale, and Viscount Kenmure. Though there had been numerous desertions since the late victory, at the date when Charles began his march to England he had under his command at least 400 horse and 4500 foot[2]. As the army was organised for the march, there were five troops of horse under different officers, and thirteen regiments of foot, of which six were made up of the clans, each commanded by its own chief. Instead of one useless piece of artillery there were now about twenty guns, partly captured from Cope, and partly obtained from four French ships which had put in at Stonehaven and Montrose. For the conveyance of the baggage 150 carts and waggons had been requisitioned, and provisions for four days were laid in to preclude the neces-

[1] 6000 of these were Dutch troops which Holland was pledged to send to England, should the need for them arise. By the terms of the capitulation of Tournay these troops were prevented from fighting and returned to Holland.

[2] The numbers have been put at between 5000 and 6000. See Drummond Norrie, *The Life and Adventures of Prince Charles Edward Stuart*, II. 154—6.

sity of plunder[1]. On October 31 the army was concentrated at Dalkeith, six miles from Edinburgh; and on November 3 the memorable march began. As had been arranged, with the object of misleading Marshal Wade, Charles and Lord George Murray at the head of the clans proceeded by way of Lauder, Kelso, Jedburgh and Langton, while the rest of the army under the command of the Dukes of Perth and Atholl followed the western route through Peebles, Moffat and Lockerbie. On November 9, Charles encamped two miles west of Carlisle, and within two hours afterwards he was joined by the detachment under Atholl. Charles was now on English ground, and his great desire was accomplished; but the invasion had been undertaken against the general conviction of officers and men, and the experiences on the march had given sufficient evidence of the fact. At Kelso it was with difficulty that many of the men could be persuaded to continue in the ranks, and a full thousand had deserted before the English border was reached. A gloomy omen had further damped the spirit of the clans: as Lochiel crossed the border he cut his hand while in the act of triumphantly unsheathing his sword.

It would have augured well for Charles's prospects in England had Carlisle readily opened its gates; but, when the town was summoned on the 10th of November, the answer was a bold defiance. The town had, in fact, resolved to make a more effective defence than it had made in the 'Fifteen, when the whole *posse comitatus* had fled at the sight of the rebel army. Seven hundred men had been introduced from the surrounding country, and five hundred citizens were supposed to be capable of making a good fight. The town walls, though in the same dilapidated condition as those of Edinburgh, might have been serviceable in the case of a vigorous defence; and, also as at Edinburgh, there was a Castle commanding the town, though its garrison consisted only of some 80 old and infirm men. It was fatal to a resolute defence, however, that there

[1] Every private received 6*d.* a day.

was no understanding between the acting mayor, a foolish dignitary, and Colonel Durand, the commander of the Castle. Both for safety and honour it was necessary that the town should be taken; and the conduct of the siege was entrusted to Lord George Murray, who at once set about erecting batteries and digging trenches—the country people of the neighbourhood being forced to take a hand in the work. On the 10th there came news that Wade was about to march to the relief of the town; and on the 11th the whole army marched to Brampton, where it was proposed to give him battle. It was not till the 16th, however, that Wade left Newcastle; and when, on the 17th, he reached Hexham through roads heavy with snow, it was to hear that Carlisle had surrendered. A peremptory letter from Charles, in which he threatened "dreadful consequences" in the event of resistance, had brought town and Castle to terms; and on the 17th he entered the town in triumph, mounted on a white horse, and with a hundred pipers playing before him.

The capture of Carlisle was another triumph for Charles, but so little did it profit him that a grave question immediately arose as to what should be the next movement of his victorious army. Now also there broke out the most serious quarrel that had yet arisen among his advisers. Lord George Murray, indignant that the arrangement of the capitulation, which he had been the principal agent in effecting, had been entrusted to the Duke of Perth, resigned his commission as Lieutenant-General, alleging as a further reason for the step that Perth as a Roman Catholic would be distasteful to Charles's friends in England[1]. In the opinion of the whole army, however, Murray's services were indispensable; and on its petition he was reinstated in his command—Perth with characteristic amiability resigning his Lieutenancy and resuming the captaincy of his own regiment. The quarrel having been thus composed, a Council was held on the 18th to determine the further move-

[1] As yet only two persons (from Northumberland) had joined him. The inhabitants of Carlisle had shown no inclination in his favour.

ments of the army. Four alternatives were suggested: to march against Wade, to return to Scotland, to remain at Carlisle in the hope of a Jacobite rising in England, and to proceed to London through Lancashire, where it was supposed that Charles had most friends. Charles's own vehement desire was that London should be their grand aim; and, though still in their hearts opposed to the advance into England, Lord George Murray and the chiefs consented to proceed on the march in the hope, which every day proved to be more fallacious, that the friends of the Stewart would yet rally to the cause[1].

From motives of dogged fidelity rather than from any high hopes the army resumed its ill-fated march. An English rising and a French invasion had been the two inducements to the enterprise, but these two events seemed as far off as ever. It was with considerably diminished numbers, moreover, that the most hazardous part of the march was about to be undertaken; for, in addition to the desertions between Dalkeith and the English border, between 200 and 300 men had to be deducted as a garrison for Carlisle Castle. As the march was arranged, the army was to proceed in two divisions, the one following the other at the interval of half a day; and the halting-places were to be the chief towns on the route. On November 31 the start was made, Lord George Murray leading the way with the Lowland regiments, while Charles followed with the clans, at whose head he continued to march in his Highland dress with his target over his shoulder. The strictest discipline was maintained, only a few hen-roosts being visited; but in the districts through which the army passed, the Highlander in his wild garb was regarded as a being capable of eating children[2] and of other heathenish practices. Penrith was the first halting-

[1] Charles's curt letter in reply to Murray is given by Drummond Norrie (*op. cit.* II. 177). It gives a striking proof of the strained relations between them.

[2] Chevalier Johnstone, *op. cit.* p. 101.

place, then Kendal and Lancaster; but still there was no sign of any rising in Charles's favour. Preston, the next stage, was a place of gloomy memories for every Scottish Jacobite; there the Duke of Hamilton in the "Engagement" expedition of 1648 and the volunteers in the 'Fifteen had met with disaster. It was with well-timed decision, therefore, that Lord George Murray, on arriving before the town, at once led his men over the bridge which crossed the Ribble, and thus broke the spell of superstitious dread associated with the place. Preston in the previous generation had been a stronghold of Jacobitism; but the only recruits it supplied to Charles were three gentlemen from Wales and "some few common people[1]." Better things were hoped of Manchester, which had the repute of being even more Jacobite than Preston; nor was the hope altogether disappointed. There Charles was received with a greater show of sympathy than at any other place on the march, and a subsidy of £3000, partly voluntary and partly forced, was contributed by the town. At Manchester, also, he raised about 300 recruits, not all indeed of choice quality, but the only material addition to his ranks in his progress through England. These new adherents, together with those that had enlisted at Preston, he formed into the "Manchester Regiment" and placed under the command of Colonel Townley, a Catholic, one of the three gentlemen who had joined him a few days before.

At Manchester it was debated once more whether the march should be continued, the decision being that Derby should be its term, should prospects not brighten. At Macclesfield news was received that the Duke of Cumberland was at Lichfield and that his outposts were stationed as far north as Newcastle-under-Lyme; and, to cover Charles's advance to Derby with the main army, Lord George Murray at the head of a column made a feint of attacking Cumberland's outposts. On the evening

[1] Beyond Preston all the bridges were found broken, "but that was a needless precaution" against Highlanders.—*Lockhart Papers*, II. 458.

of December 4, both Charles and Murray were at Derby with their respective forces; and the final decision had to be taken—to advance or to retreat. Charles himself appeared to be as full of buoyant hope as ever. England would yet rise in his favour; there would yet be a French invasion; London would open its gates to receive him; and he playfully discussed whether he would make his entry on foot or on horseback, in English or Highland dress. Charles, however, was alone in entertaining these dreams. The facts were that neither English rising nor French invasion had taken place, and that Cumberland and Wade were closing in—the one over 8000, the other over 10,000 strong. The morning after the arrival at Derby, therefore, Lord George Murray and the other officers waited on Charles and informed him that they would proceed no further, and that the only safety lay in a rapid retreat. A Council of War unanimously confirmed this resolution; and, with the bitter remark that in future he would hold no more councils, Charles reluctantly gave his consent.

The retreat began a few hours before daybreak of December 6—"Black Friday[1]," as it was significantly styled. In the opinion of officers and men alike, the retreat meant indeed the doom of the enterprise: "it is now all over," said the Irish officer Sheridan, "we shall never come back again." Yet it is a striking tribute to the high spirit of Charles's troops that, to reconcile them to the retreat, it had to be given out that they were marching to meet the enemy. But when the march was actually begun, it soon appeared that a change had come over the spirit both of the leader and of his host. Charles no longer walked gaily at the head of the clans, but, the last to stir on each day's march, rode gloomily in the rear[2]. The High-

[1] It was a "black day" for both sides in the contest. It was the day of Charles's retreat and the day when the panic at his approach was at its height in London.

[2] Hay of Restalrig, who afterwards took Murray's place as Secretary, says that Charles "could not walk and hardly stand (as was always the case with him when he was cruelly used)."—Home, *op. cit.* III. 323.

landers, discipline now being relaxed, gave free play to their natural instincts, and laid hands on all convenient booty, "like caterans returning from a creagh[1]." It was now seen, also, with what hostile feeling the country regarded Charles's following and his attempt to conquer the kingdom. Stragglers who fell behind were taken prisoners and even slain. At Manchester, where on the march south many of the inhabitants had shown themselves friendly, a mob opposed the entrance of the van—a temerity which was punished by a penalty of £5000 exacted from the town. The retreat was likewise a flight, since Cumberland and Wade were exerting themselves to overtake the retiring enemy before he crossed the Border. At Clifton, on the evening of the 17th, Cumberland's advance guard came up with Charles's rear, commanded by Lord George Murray, but had so much the worst in the encounter which ensued that the pursuit was abandoned. On the 19th Charles reached Carlisle, which he had left a month before in the confident hope of a crown. A Council of War decided that England must be abandoned, but with irresponsible fatuity Charles insisted on leaving a garrison of 400 men in the Castle—doomed to certain destruction, as the victims themselves and every man in the army fully understood[2].

At three o'clock on the morning of December 20 (Charles's birthday) the army left Carlisle, reaching the Esk at two in the afternoon. The manner in which it crossed the river, swollen with the winter rains, gave a striking illustration of its adapta-

[1] Scott, *Tales of a Grandfather*, Chap. LXXX. No man walked who could find a horse to steal—a straw rope serving him for a bridle. The letters published by Mr W. B. Blaikie in the *Scot. Hist. Review* (April, 1909) fully bear out the charge of indiscriminate thieving practised by the Highlanders in their retreat.

[2] The Castle surrendered to Cumberland on the 30th of December. The Manchester Regiment composed the chief part of the garrison left by Charles. It is only in Charles's still unabated confidence in ultimate victory that we can find a reason for his leaving the unfortunate garrison behind.

bility to every emergency. The cavalry were stationed in the water immediately above and below the ford, and between the two bodies the foot, ten and twelve abreast and with arms locked, passed with such security that a few women only, who had attended the march, were drowned in the crossing[1]. In their joy at finding themselves safely across the Border, the Highlanders struck up the bagpipes and danced to their music. The country they had now entered, however, was as hostile as the country they had left; and stratagem was as necessary as ever to complete the march in safety. Following the same ruse that had already succeeded more than once, Lord George Murray, at the head of the Lowland troops, made a feint of marching on Edinburgh, and by way of Lockerbie, Moffat, Douglas and Hamilton reached Glasgow on Christmas day. Dispatching Elcho forward with a detachment of cavalry, Charles with the clans overtook him at Dumfries on the 20th. Both in the 'Fifteen and in the present rising Dumfries had shown itself zealously hostile to the Jacobite cause; and its burghers had seized a quantity of Charles's baggage at the time of his entering England. The town had now to pay the penalty; a contribution of £2000 was exacted, of which £1100 was paid in ready money—two magistrates being retained as hostages for the delivery of the remainder. Continuing his march, Charles by way of Hamilton arrived in Glasgow the day after Murray—the Highlanders deserting him in numbers as they approached their native mountains. Here, for over a week, the toil-worn and dilapidated host was refreshed by a much needed halt; but the troops were not welcome visitors in the chief city of the west. No Scottish town had shown itself more loyal to the Government than Glasgow. It had not sent a man to join Charles's ranks[2];

[1] Throughout the whole English expedition only some forty men had been lost.

[2] Charles gained 60 recruits from Glasgow during his stay there.—Chambers, *op. cit.* I. 295.

it had raised a battalion to resist him. During his stay in the town even the women, who elsewhere smiled on him when the men frowned, regarded him coldly[1]. To supply his own wants, and the wants of his men, therefore, some constraint was necessary; and he was now in a position to apply it. He exacted from the town a quantity of such sorely needed articles of dress, as shirts, coats, bonnets and shoes, to the value of £4500, which with the £5500 he had extorted in September, raised the total of Glasgow's contribution to £10,000[2]. According to an observer who saw him at this time, Charles had an appearance of dejection as if he had "a melancholy foreboding" of coming disaster[3]; yet, as was soon to appear, neither he nor his followers had lost all hope, and they were to achieve further actions as striking in boldness and success as any they had hitherto accomplished.

It was two months since Charles had left Edinburgh on his English expedition; and in the interval things had not stood still in Scotland. Since the beginning of the Rising the Government had been represented in the north by one to whom more than to any other man belongs the credit of ensuring its ultimate failure—Lord President Forbes. It was Forbes who on August 9 had informed Cope of Charles's landing. Knowing the Highlands as he did, Forbes fully realised the extent of the danger that threatened the country should there be a general rally of the clans to Charles's standard. On the very day when he communicated his intelligence to Cope, therefore, he started for Inverness, where he arrived on August 13. The task before him was twofold: to prevent as many chiefs as possible from joining Charles, and to raise such

[1] Yet Charles seems to have made a special effort to interest the Glasgow ladies. "The Prince," we are told, "dressed more elegantly when in Glasgow than he did in any other place whatsomever."—*Lyon in Mourning*, II. 125.

[2] In 1749 the Government, in recognition of the loyalty of the town, recouped it with the whole sum.

[3] Chambers, *op. cit.* I. 296.

a number of troops as would prevent a rising in the north. Among those whom he found disposed to stand by the Government were Lords Sutherland and Reay and the chiefs of the Munros and the Grants, and most important of all, Sir Alexander Macdonald of Sleat and Macleod of Macleod, whose accession to Charles, it was generally believed, would have gone far to ensure his success. The personage who gave him most trouble was that Simon, Lord Lovat, who had played such a dubious part in the two previous reigns. Lovat had shown himself loyal in the 'Fifteen, but, having been deprived of a sheriffdom and the command of his independent company, he was prepared to play the traitor if he found it to be in his interest.

We have seen that, when Charles was at Invergarry, he received a communication from Lovat urging him to march on Inverness and promising the support of his own and other clans. By the dexterous use of flatteries and threats, seconded by Lovat's own shifty habit of waiting on events, Forbes succeeded in preventing his openly taking part in the Rising; but, old in craft though he was, Lovat miscalculated the chances of the game he continued to play. Misjudging the possible results of the victory at Prestonpans, he raised his clan for Charles, but, still playing his double part, cast the responsibility on his "undutiful son," who, less calculating than his father, eventually joined Charles with his following. Forbes had thus failed to hold back the Frasers, but in the case of other clans he had been more successful; and it is his own statement that he retained more of the northern clans in their loyalty than joined the rebels[1]. In his other task, that of raising men for the Government, he had to contend with equal difficulties. He received twenty blank commissions for the raising of companies of a hundred men each; but his permanent embarrassment was to find money for their maintenance and arms for their equipment. So far, however, was he successful that by the end of August he had raised 2000 men, who under command of Lord Loudoun

[1] *Culloden Papers*, p. 448.

effectually prevented such a rising in the north as would have placed the whole Highland country at Charles's command.

While the north was thus held in check by the efforts of Forbes, there were other parts of the country where Charles's adherents were freer to act. In Angus and the Mearns bodies of men were raised by the gentlemen of these counties; and in Aberdeenshire Lord Lewis Gordon, son of the Marquis of Huntly, brought together a regiment of two battalions, though his father had shown himself staunch for the Government. On September 25 a band of Jacobites entered Aberdeen, while the burghers were engaged in the annual election of magistrates, and made themselves masters of the town, which remained in their possession for the next five months. A substantial addition to the numbers of the Jacobites, also, was the arrival of Lord John Drummond, brother of the titular Duke of Perth, with a force of 800 men from France (November 22). An advantage gained by Lord Lewis Gordon gave a further impetus to the Jacobite cause in the north-eastern Lowlands. To recover Aberdeen, Lord Loudoun dispatched a force under Macleod of Macleod, whom Gordon surprised at Inverurie, and drove across the Spey, thus making himself master of the whole of the country between that river and the eastern coast. As the result of this energetic action, Charles, when he returned from his unhappy attempt on England, found some 4000 men awaiting the opportunity of displaying their zeal for his cause.

It was with the encouraging prospect of these reinforcements that on January 3 Charles began his march from Glasgow to Stirling. There were several reasons that decided him to make for that town. Edinburgh was now well supplied with troops, and an immediate attempt on it would have been hazardous; while Stirling, on the other hand, had the double advantage of being a convenient place for a junction with the levies of the north and an admirable basis for future operations in the Lowlands. Following his

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old tactics with a view to misleading the enemy, Charles led one column of his army by Kilsyth, while Lord George Murray led the other by Cumbernauld—both reaching the neighbourhood of Stirling on the 4th. On the following day he was joined by the reinforcements from the north, and on the 6th he summoned the town. Stirling was a place of only some 6000 inhabitants, with no regular garrison[1], and with feeble defences; and on the first indications of a siege it promptly opened its gates. As at Edinburgh, however, there was the Castle to be reckoned with; and its commander, Major-General Blakeney, well provisioned and with a strong garrison, was prepared for a stout defence. When summoned to surrender, his answer was that, as he had lived, so he would die a man of honour. With his new reinforcements Charles had acquired some pieces of artillery; and some French engineers, whom Lord John Drummond had brought from France, were supposed to have had some experience in besieging cities. One of them, M. Mirabelle de Gordon (Mr Admirable, the troops called him), undertook the conduct of the operations against the Castle, and proceeded to erect batteries at what he considered were advantageous points. Hardly had the operations begun, however, when Charles and his army were summoned to a more momentous issue.

With the express purpose of relieving Stirling Castle, a royal army was now encamped at Falkirk some ten miles distant. Its commander was not the unhappy Cope but General John Hawley, who had served in Marlborough's campaigns and commanded a dragoon regiment at Sheriffmuir. Hawley was at once the jest and the terror of his men—their jest on account of his ignorance of war and their terror on account of his brutal discipline[2]. To ignorance of his profession he added con-

[1] A garrison had been stationed in the town while Charles was in England, but on the news of his return it had been recalled to Edinburgh.

[2] His nickname in the army was the "Lord Chief Justice" or the "Hangman."

tempt of the enemy he was about to meet, his loud boast being that the Highlander would not face a cavalry charge[1]. Leaving 1200 men under the Duke of Perth to continue the siege of Stirling Castle, Charles took up his position at Bannockburn, where during the 15th and 16th he waited Hawley's attack in battle array. As Hawley made no show of advancing, Lord George Murray advised that the offensive should be taken as best suited to Highland tactics. On the 17th, Charles marched to Falkirk, and by a dexterous artifice secured a favourable position for the coming action. Hawley's camp was immediately to the west of Falkirk; and, to give the impression that a direct attack was intended, Lord John Drummond at the head of a body of cavalry was dispatched along the Stirling road which passed through the ancient Tor Wood[2]. Meanwhile Charles with the main army by a circuitous route to the south gained the Moor of Falkirk, and took up his ground westward of Hawley's position.

Hawley had been breakfasting that morning at Callendar House with Lady Kilmarnock; and, on being informed of these movements, he made such haste to the field that he left his bonnet behind him. His first command was that his dragoons should endeavour to gain a high ridge on the Moor and anticipate the enemy; but at this moment there came a violent storm of wind and rain which, blowing full in the face of the dragoons and the infantry that followed them, impeded the rapidity of their movement. The Highlanders (the three regiments of the Macdonalds) were first in the race; and, this dispute settled, both armies fell into order of battle. On each side the same arrangement was made—two main lines with reserves in the rear. The front line of the rebels consisted of the clans and the second of the Lowland regiments, in the rear of which Charles was stationed with the Irish pickets. As the numbers

[1] His experience at Sheriffmuir had given him this opinion.

[2] In the 17th century only a few of the oak trees of this famous wood were standing.

on each side, between 8000 and 9000 men, were nearly equal, and as the majority of Hawley's men were veterans, the issue might well have seemed doubtful. But by an initial blunder, severely blamed at the time, and against which the experience of Cope might have warned him, Hawley gave away his chance at the outset. As he had no artillery to open the action[1], he ordered his cavalry, between 700 and 800 strong, to attack the right wing of the enemy commanded by Lord George Murray. The Highlanders steadily awaited the charge, and reserved their fire till the enemy was within some ten or twelve paces. The effect of the discharge was instantaneous; the dragoons, who had formerly distinguished themselves at Fontenoy, were thrown into hopeless confusion, some making off rearwards, others wheeling to the right and receiving a deadly fire from a section of the enemy's left. Now, however, the rebels in their turn committed a blunder which robbed them of a decisive victory. In spite of the calls of Murray, they gave chase to the flying enemy when their services were urgently needed in another part of the field. On their left wing the Highlanders had not been so fortunate as on their right. Between them and the enemy there was a deep ravine, which effectually prevented their charging and exposed them to the fire of the King's troops. As they wavered and fell back, the second line in their rear were seized with panic; and thus at the same moment the left of each army was in headlong flight. The action, which had been fought in torrents of rain, had begun at four o'clock in the afternoon and was over in about twenty minutes. Charles remained master of the field with a loss of only 40 men[2], while Hawley with a loss of over 400 made the best of his way to Linlithgow, whence the following day he returned to Edinburgh. The night was spent by the Highlanders in

[1] Hawley's artillery had been mired when being brought into the field. Charles's artillery had also been left behind.

[2] This was the number given by the rebels themselves, but it was probably much greater.

robbing and stripping the slain—a process which they performed so effectually that at sunrise next morning the naked bodies appeared like "a large flock of white sheep at rest on the face of the hill[1]."

At no time during the Rising, we are told, was the dejection of the King's friends so great as after the battle of Falkirk; a royal army, composed of the best troops the Government had at its command, had been beaten in fair fight by equal numbers of the enemy. As events were to prove, however, the victory brought little advantage to the victor. A disastrous blunder, for which Charles was responsible, was the continuance of the siege of Stirling Castle—an undertaking for which he did not possess adequate means and which was distasteful to the Highlanders as alien to their methods of fighting. An address from the chiefs and Lord George Murray (January 29) put plainly before Charles the actual facts of the situation: a "vast number" of men had deserted since the battle of Falkirk, and the desertions were "increasing hourly[2]"; many were sick, and all were longing to be relieved from their present position; and, should the enemy now come up, there would be "utter destruction" for the few that remained. If they retired to the Highlands, on the other hand, they might spend the rest of the winter in taking the Government forts; and in spring an army of 10,000 would be ready to march wherever it was deemed advisable. The advice was what common sense dictated, but Charles regarded it as a deathblow to all his hopes. "Good God!" he exclaimed, "have I lived to see this?" and he "struck his head against the wall till he staggered." The retreat began on February 1; and, owing to the divided opinions of Charles and the chiefs, it partook of the nature of a flight. When the troops were reviewed in the morning "there was hardly the

[1] Chambers, *op. cit.* II. 15.

[2] Among those who deserted were almost the whole clan of the Macdonalds of Glengarry—the occasion being that a younger son of their chief was accidentally shot.

appearance of an army"; artillery and ammunition were left behind—an unfortunate accident being the blowing up of the Church of St Ninian's where fifty barrels of gunpowder had been stored; and it was a disordered crowd that crossed the Fords of Frew which in the previous September Charles had passed in the confident hope of a crown. The retreat had not been effected too soon; on the following day Stirling was occupied by the Duke of Cumberland, the destined instrument of Charles's doom.

The Forth safely crossed, part of the army proceeded to Perth, while Charles with the clans and most of the infantry directed his march to Crieff, where the pleasant discovery was made that the desertions had not been so numerous as had been imagined. It was now open to him to pursue the guerilla warfare in the Highlands which the chiefs had proposed to him at Stirling; and, with this object, it was resolved that the capture of Inverness should be the first attempt. To secure better provision for the troops, the army was divided into three detachments, one under Lord George Murray and Lord John Drummond proceeding by way of Montrose and Aberdeen, the second under Lord Ogilvie by Cupar-Angus, and the third under Charles himself by the Highland road. From February 6th to the 9th Charles was at Blair Castle; on the 10th were taken and burnt the Barracks of Ruthven which at the beginning of the campaign had successfully resisted capture; and on the 16th he was at Moy Hall in Lochaber, less than ten miles from Inverness. Here, but for a lucky chance, Charles's adventures would have been ended and Culloden averted. Lord Loudoun, now in command of Inverness, having heard that Charles was at Moy Hall, stealthily left the town on the evening of the 16th at the head of some 1500 men—his object being to surprise Charles and end the rebellion by one stroke. Through some channel, however, Charles's hostess, Lady Mackintosh, had been informed of Loudoun's intention, and by a clever device succeeded in defeating it. By her orders a blacksmith of the

clan and a few comrades met Loudoun's men on their night march while they were still some miles from Moy Hall. Raising the slogans of different clans and firing their pieces, they gave the impression that they were a numerous force prepared to dispute the enemy's further progress. Taken completely by surprise, Loudoun's men were panic-stricken, and fled with headlong haste back to Inverness[1]. Two days later came a pleasant turn of fortune—again at the expense of Loudoun. Reinforced by a considerable contingent at Moy, Charles captured Inverness without a blow, Loudoun and Lord President Forbes having evacuated the town earlier in the day. The surrender of the garrison which Loudoun had left in the Castle immediately followed; and, as Lord George Murray now joined him with the rest of the army, Charles might congratulate himself that fortune had not wholly deserted him.

The achievements of Charles's troops between the capture of Inverness on February 18 and the fatal April 16 show that they had lost neither spirit nor hope. It was part of the plan of operations suggested by the chiefs at Stirling that the chain of forts, erected to overawe the disaffected clans, should be taken in the course of the winter; and the enterprise was all but successfully accomplished. Two days after Charles entered Inverness, the Castle, then known as Fort George, had surrendered; on March 5, Fort Augustus capitulated after two days' siege; and only Fort William was successfully held for the Government. During the same month of March, Loudoun and President Forbes were driven from Ross and Sutherland and compelled to take refuge as far off as the Island of Skye. In the north of Perthshire Lord George Murray captured thirty small forts in one night, and laid siege to Blair Castle, whence, however, he was driven back by the approach of the Government troops—a failure which deepened Charles's suspicions of his loyalty. Another sphere of opera-

[1] This affair is known as the "Rout of Moy." As usual, the details of the incident are variously told.

tions was Speyside through which Cumberland was expected to advance from Aberdeen, where he had arrived on February 27. In that district Lord John Drummond was in command, and success also attended his arms—a Government garrison at Keith being surprised and taken to a man[1].

These achievements gave fresh spirit to Charles's troops and kept alive his cause; but the hour was now at hand when his fortunes were to be put to the final touch. Cumberland, who had been so close behind him when he crossed the Forth, had made no haste to come up with him, and had moved by slow and deliberate stages from Stirling to Perth, Montrose, and Aberdeen. On April 8 he left Aberdeen, crossed the Spey on the 12th, driving the Duke of Perth and Lord John Drummond before him, and reached Nairn on the 14th[2]. It was now open to Charles either to retreat before the enemy or to meet him; it was the latter alternative that was chosen, though prudence might have dictated the other. Large numbers of his men had not returned from their separate enterprises, and could not appear in time for the impending battle; while others had left him to sow their fields. The troops that were with him, moreover, were neither in spirit nor condition to do justice to themselves against unequal odds. By an unfortunate chance Murray of Broughton, who had hitherto superintended the commissariat, was seriously ill; and his duties had fallen into incompetent hands[3]. For a month the troops had received no pay; and provisions had become so scarce that on the 15th, the day before the coming battle, only one biscuit had been served to each man. The result was wide-spread discontent, which was not concealed even in Charles's presence. Among his leaders, also, there were bitterness, jealousy, and divided counsels—the result of Charles's undisguised preference for his Irish officers. An unlucky incident materially contributed

[1] Known as the "Skirmish of Keith."

[2] Charles had not expected Cumberland's approach before summer.

[3] His duties were taken over by John Hay of Restalrig.

to the impending disaster. On March 25 the *Hazard*, a sloop returning from France with many stores, was captured by Lord Reay. In an attempt to recover the treasure on the day before the battle, Lord Cromartie was taken prisoner; and the men who had accompanied him, amounting to 1200, were absent in the hour of need[1]. To crown all this untoward fortune, a French fleet, which had at length been sent with men and equipments, was unable to effect a disembarkation through the vigilance of the British cruisers[2].

It was in these discouraging circumstances that Charles on the early morning of the 15th of April drew up his army on Drummossie or Culloden Muir, about a mile from the house of President Forbes and some five miles from Inverness. In the course of the day a resolution was taken, which, if it had been successfully executed, might have changed the destinies of Britain. It had been by the night surprise of Cope at Prestonpans that the most decisive victory of the campaign had been won. At a Council of War now held it was proposed by Charles and seconded by Lord George Murray that a similar attempt should be made on the camp of Cumberland. The proposal met with considerable opposition on the part of the chiefs—the main objection being that the troops were not in a condition to accomplish a march of twelve miles within the time necessary for the successful execution of the enterprise. The impetuosity of Charles, supported by the weighty counsel of Murray, overbore the opposition; and it was decided that the march should begin at 8 o'clock, when the darkness would be sufficient to cover their movements. The 15th of April was

[1] The *Hazard*, which brought the substantial sum of 12,000 guineas for the use of Charles, had originally been captured from the Government. Its capture and the defeat of Cromartie were determining events in connection with the impending battle of Culloden.—Cf. *The Book of Mackay*, by the Rev. Angus Mackay (Edin. 1906), pp. 190—1.

[2] Throughout the Rising the French sent between 1000 and 1200 men, and not more than £15,000 which were actually received.—Blaikie, *Itinerary*, p. 84.

Cumberland's birthday; and it was anticipated that the festivity on the occasion might have rendered his watch less vigilant[1]. Charles's men had lain on Culloden Muir since the early morning, weary, hungry, and dispirited; and it was with difficulty that their officers could rouse them when the hour for starting came. Firing the heath to mislead the enemy, the army fell into a single column, with an interval in the centre—the first detachment being led as usual by Lord George Murray. The watchword was "James VIII"; and strict orders were given that all work should be done with bare steel, as the discharge of shot would alarm the enemy. The night proved dark, and, as the route followed was along the moorside, the difficulties of the march at once began. The first division outmarched the second; and fifty times in the course of the night Murray was urged to slacken his pace. Exhausted with fatigue and hunger, many fell out of the ranks, while those who held doggedly on could not maintain the speed necessary to accomplish the march in time. When day was about to break, they were still three miles from Cumberland's camp; and it became evident that the game was up. The order for retreat was given, and between five and six o'clock in the morning the wearied host resumed its quarters on the fatal moor. Retiring to Culloden House, Charles was fain to content himself with some whisky and bread, the only refreshment his stores could supply; while many of the troops, both officers and men, sought in Inverness the sustenance not to be found in the camp[2].

Famished, exhausted, and robbed of their night's sleep, Charles's troops had hardly disposed themselves to rest when the alarm came that the enemy was at hand. At eight o'clock

[1] In point of fact, Cumberland took care that his men were not overliberally supplied with brandy.—H. S. Skrine, *Fontenoy*, p. 297.

[2] The details connected with the night-march are conflictingly told by the different authorities. Subsequently there was a bitter controversy among the Jacobites as to whether Lord George Murray gave orders for the retreat without the cognisance of Charles.

Charles was informed that Cumberland was only two miles distant. On the previous day Lord George Murray and such of the chiefs as were present had advised a retreat to the left bank of the Nairn, where in a stronger position they could face the enemy; but Charles, who "was for fighting on every occasion," rejected the advice, declaring that he would fight there and then had he but a thousand men[1]. When the enemy was now upon him, therefore, he had no thought but to abide the issue of battle. Under the direction of O'Sullivan, Adjutant and Quarter-Master General, the army was disposed on the Muir about half a mile west from the position it had occupied on the previous day. The battlefield, part of a broad platform on the west side of the river Nairn, was at that time mostly bare moorland, marshy in some places, but cultivated here and there in small patches. The Highland army was drawn up in two lines, the clans composing the first line; the Lowlanders, French, and Irish the second. A handful of horse was stationed on each flank of the second line. To the left the ground was open; to the right there was an enclosure surrounded by four walls, which were to have their place in the coming action. Charles himself took up a position on a spot between the lines whence he could command a view of the whole field. Cumberland, in his final dispositions, also drew up his forces in two lines of foot, with a considerable interval between them, a strong reserve in the rear, the cavalry on each wing, and two guns planted between each pair of battalions in the first line.

With the exception of Charles himself, still confident in his star, there was probably not another man in his army who had more than a forlorn hope of victory. As the two armies now faced each other, every material advantage seemed to be on the

[1] Lord George Murray to William Hamilton, Esq. of Bangour.—Home, *op. cit.* III. 345. The reason given for the rejection of Murray's advice was that Inverness would be left open to the enemy. On this point, as on so many others, the authorities are in conflict.

side of Cumberland. He had 9000 trained men in excellent condition; Charles had but 5000, and these in the plight we have seen. The ground, an open moor, on which the battle was to be fought, gave free play to Cumberland's cavalry and artillery, while it was unsuited to the tactics of Highland fighting. In field-pieces and trained men to serve them, Cumberland had an overwhelming superiority, and in cavalry he had equally the advantage. It was in the onset with target and claymore that the Highland attack was formidable, but many of the clansmen had lost their targets; and Cumberland, taught by past experience, had instructed his men to thrust their bayonets at the right breasts of their foes, and thus elude their defence. It was a further misfortune for Charles that, in the disposition of his ranks, deadly offence was given to the powerful clan of the Macdonalds who were stationed on the left wing instead of on the right, which they claimed as their rightful privilege. Regarding this arrangement not only as an insult but as an evil omen for the result of the day, the Macdonalds forgot their loyalty in their pride and were to be largely responsible for the coming disaster[1]. Finally, as if the stars in their courses were fighting against Charles, a blinding storm of wind and sleet blew straight in the face of his men at the moment when the issue was in the balance.

The action began at one o'clock with the play of artillery on both sides—a disastrous beginning for the clans on the right wing, whose ranks were ploughed by the enemy, himself hardly touched. For an hour they kept their ground with admirable steadiness, and then, to be restrained no longer, in the teeth of shot and smoke, and blinding sleet, they broke ranks and charged. So furious was their onset that they cut through the left of the enemy's first line, capturing two pieces of his cannon. But Cumberland had anticipated the emergency: the

[1] It should be said that some authorities give a more favourable colour to the conduct of the Macdonalds who had specially distinguished themselves in previous battles, and notably at Falkirk.

broken first line deployed to right and left, and gave freer play for the second to receive the advancing foe. Three deep—the first rank kneeling, the second stooping, and the third upright—the second line discharged its triple fire. The result was instantaneous and overwhelming; the Highlanders fell "in layers of three and four deep," and not one reached the ranks of the enemy. Far different had been the conduct of Charles's left. There the three regiments of the Macdonalds showed no eagerness for fight; and, after an ineffectual charge, they retired on the second line, leaving Macdonald of Keppoch dead on the field. The victory was no longer doubtful. Charles's first line was broken; and the second was neither in spirit nor condition to continue the battle. Moreover, the Campbells had broken down the walls of the enclosure on Charles's right, thus leaving a free course for a squadron of Cumberland's horse. Combining his foot into one body, Cumberland ordered his dragoons on his right and left wings to attack the enemy in flank, and the flight began. The fleeing army left the field in two main bodies, but with different fates. The one making for the neighbouring hills, with bagpipes playing and their ranks unbroken, was left unmolested; the other, pursuing the road to Inverness, was at the mercy of the dragoons, who continued the slaughter to the gates of the town. Cumberland's loss was little over 300 men; that of the enemy was over 1000.

Before engaging in his enterprise, Charles had vowed many times that he would conquer or die at the head of the brave men who ventured their lives and fortunes in his cause; but he did not choose to die at Culloden, and such another opportunity he was not to have again. His faith in himself and his destiny was indeed for ever shattered. After the disaster of Culloden he passes from political history, and becomes a figure interesting and pathetic, but of account only for the biographer or the dealer in romance[1].

[1] Sir Walter Scott's final judgment on Charles, as he committed it to his private journal, is that he "had not a head or heart for great things,

The rebellion of 1745 was the fourth attempt since the Revolution which had been made on Highland ground to restore the House of Stewart. In the case of each attempt blood had been shed; and in the case of three of them—those of Dundee, Mar, and Charles—the existing Government had been made to tremble for its security. To us, instructed after the event, Culloden appears a blow which rendered a future rising impossible; but such it did not appear in the eyes of contemporaries. It was only thirty years since Mar's rebellion had been suppressed, and during the interval Wade's roads and forts had been constructed, and the disloyal clans were supposed to have been effectually disarmed; yet another rebellion had taken place more formidable than Mar's. What security could there be that still another Highland rising was not a possible contingency at no distant future? It was in dread of the future, therefore, as well as in revenge for the past that Cumberland after Culloden applied those means for the suppression of rebellion which have given him his evil name in Scottish tradition[1]. In Scotland his severities were deplored even by those who had least sympathy with the Stewarts; but he had the approval of public opinion in England and even of the most enlightened English statesmen. As Scotland, wrote Lord Chesterfield, had hitherto been constantly the nursery of rebellion, he hoped it would now be made the grave of it. "But were I to direct," he wrote again, "I would have a short Act of Parliament for the transporting to the West Indies every man concerned in the rebellion, and give a reward for every one that should be apprehended and brought to transportation. This, I think, would be a better

notwithstanding his daring adventure."—*The Journal of Sir Walter Scott from the original Manuscript at Abbotsford* (Edin. 1890), I. p. 115. This judgment is quite in harmony with Scott's account of the 'Forty-five in the *Tales of a Grandfather*, where he was writing history and not romance.

[1] It should be said that many of the stories told of Cumberland's conduct can be proved to be without foundation.—See Skrine, *op. cit.* pp. 301—3.

way than hanging some of the rascals and letting the others go home for another rebellion[1]." It is a lamentable circumstance connected with Cumberland's action that many of those who were its victims were unwilling instruments in a cause in which they had no personal interest and whose triumph would have brought them no personal gain.

Cumberland remained in the Highland country from the day of Culloden till the 18th of July, repressing by fire and sword the last indications of rebellion. But the prime mover of the rebellion eluded all his attempts to entrap him. After a succession of perilous adventures, which belong to romance rather than to history, Charles on the 18th of September left the shores of Scotland for ever; but it would have been better for himself and better for his memory had he kept his vow, and "slept with the brave," who with such magnificent courage and devotion faced the files of Cumberland on the field of Culloden. Less or more happy in their fates were some of the leaders, most of whom had so loyally stood by him in a cause which from the beginning they had regarded as desperate. Six in all were taken by the Government—the Marquis of Tullibardine, Lords Kilmarnock, Cromartie, Balmerino, Lovat, and Murray of Broughton[2]. All of them did not grace by their ends the cause for which they had risked their lives and fortunes in the field. Kilmarnock and Cromartie both pleaded for mercy—a boon which was not granted to Kilmarnock, who died praying for King George. More heroic was the end of Balmerino, who with his last breath declared that he would die a thousand deaths for the same cause. Lovat, who had played the traitor to both sides and was taken in his own snares, died as he had

[1] Torrens, *History of Cabinets*, II. 70, 71.

[2] Others were taken later. Tullibardine died in the Tower. His dying advice was that no other attempt should be made to restore the Stewarts. Over forty persons were attainted for their concern in the rebellion. The list is given in Charles's *History of Scotland from the Union*, II. 468—9, note.

lived, a tragi-comic figure, soiling with his lips the line which expresses one of the noblest of human sentiments—*Dulce et decorum est pro patria mori.* Most pitiable of all was the fate of Murray, who, while the cause yet lived, had been not the least efficient instrument of its partial success. But he was not of the mould of which heroes or martyrs are made; and, brought face to face with the doom that certainly awaited him, in weakness rather than from deliberate treachery, he bartered his honour for his life. Of the humbler sufferers for the lost cause, numbering about eighty in all, it is recorded that not one faltered in the hour of trial[1].

But, if rebellion was to be averted in the future, other action was demanded besides public executions and the fire and sword of Cumberland. The Government recognised three main causes of the late Rising—the disaffection of the Episcopal clergy, the warlike spirit and habits of the clans, and the hereditary privileges of the lords and gentry, Highland and Lowland, which enabled them to bring an armed force into the field against their lawful sovereign. To prevent the operation of these causes in the future, the Parliament which was now sitting addressed itself with a lively sense of the danger from which the country had emerged. The Episcopal clergy had taken no such overt part in the late Rising as they had in the 'Fifteen, but they had made little disguise of their disloyalty; and so mischievous did Cumberland regard their influence, that in his northern march he had closed their chapels and burnt many of them to the ground. The existing laws against Episcopalianism, occasioned by the conduct of its clergy in the 'Fifteen, were already sufficiently stringent; but the Government was convinced that still more stringent laws were

[1] An Act of Indemnity (from which some 80 persons were excluded) was passed in June, 1747.

In connection with the severities of the Government after the 'Forty-five, it may be remembered that, after Monmouth's rebellion in 1685, 320 persons were executed and over 800 were transported to the Plantations.

necessary if the peace of the country was to be safeguarded in the future. In the summer of 1746 it was enacted that before the following September all Episcopal pastors should take the oaths prescribed by the law, and should pray expressly by name for the King and the royal family—the penalty for the first offence being six months' imprisonment; for the second, transportation for life to the American plantations[1]. Two years later a more deadly blow followed: in May, 1748, it was declared that after the 29th of September next no orders would be regarded as legally qualifying except such as were granted by a Bishop of the Church of England or of Ireland. In the eyes of English statesmen the Episcopal Church in Scotland was merely an agency of Jacobitism, and as such they treated it; but time was to show that these coercive measures were unnecessary, and that they added but another dismal page to Scottish ecclesiastical history.

In the case of the Highland clans equally drastic measures were adopted to prevent the recurrence of another Jacobite outbreak. In 1725 a Disarming Act had been passed; but its result had been that, in the 'Forty-five, the loyal clans were without weapons while the disloyal were comparatively well armed. Now another Disarming Act was passed, more stringent in its terms, and to be more effectually enforced. The penalties attached to the possession of arms were to be a heavy fine, exile in the colonies, or six months' imprisonment for the first offence, and for the second, seven years' transportation; and, that the law might take full effect, houses were to be searched by authorised persons[2]. Another provision of the same Act was resented far more keenly by the proud and sensitive race against whom it was directed. For the majority of the nation outside the Highlands the tartan, plaid, and kilt, were at once

[1] Considerable difficulty was found in enforcing the laws against illegal meeting-houses.—Dunbar, *Social Life in Former Days* (Edin. 1865), pp. 381—4.

[2] A Court of Law found that the bagpipe was "an instrument of war."

the symbols of disloyalty, and, with good reason, the objects of terror and aversion. It was by his peculiar garb that the Highlander was marked off from every other subject; it distinguished him as belonging to another race with traditions hostile to the type of civilisation that now prevailed in the country at large; and in war it was a ready-made uniform which created a community of feeling and a community of action that gave the embattled clans the character of a regular army. It was on these considerations that the native Highland dress was now prohibited under penalties similar to those which attached to the possession of arms, and enforced with equal rigour[1].

The grand cause of the late rebellion had been the action of Jacobite lords, chiefs and gentlemen, in bringing their vassals into the field. But for the authority these persons had exerted, no armed force could have been brought together sufficient to create a public danger. To deprive all subjects of such dangerous powers, therefore, was the further concern of the Government in its policy of safeguarding the public peace. In the heritable jurisdictions which had arisen out of the conditions of feudalism it saw privileges in the possession of subjects which were incompatible with the central authority of the State. A superior with the power of administering justice within his domain was in a position which placed his retainers at his will. In point of fact, these hereditary privileges had long ceased to be exercised in their full extent: the power of pit and gallows, which they had originally comprised, had long fallen into desuetude; and the late rebellion had shown that the Lowland baron was no longer able to constrain his retainers to follow him into the field. But even the shadow of such powers was a derogation to the State; and in the interest of even and general justice as well as of the public security it was expedient that they should be abolished. It

[1] The prohibition of the Highland dress was abolished in 1782.

was through his heritable jurisdictions that the Lowland lord could bring pressure to bear on his dependants; the Highland chief owed his authority to another cause—the tie of clanship which bound the clan to military service at the call of its chief. In abolishing the heritable jurisdictions, therefore, as President Forbes pointed out, the Government was beside the mark as far as the Highland chiefs were concerned; it was through the efficacy of the Disarming Act, and the gradual influence of modern ideas, that their powers would be mainly affected and the clansman be placed in the position of an ordinary subject[1]. What the abolition of the jurisdictions involved was that the administration of justice in Scotland, both Highlands and Lowlands, would henceforth be solely the prerogative of the Crown; and that, in place of the baillies of the feudal lords, self-interested and ignorant of the law, Crown officials (Sheriffs and Sheriffs-depute) would render justice equally to all[2]. Another Act, passed at the same time, was equally aimed at the privileges of landlords. By the system of tenure known as wardholding the tenant was bound to military service or some form of compensation in lieu of it. These conditions were now abolished; henceforward lands held in ward from the Crown were to pay only *blench*, that is, merely nominal duties, while for lands held in ward from a subject a fixed sum of money or its equivalent was to be annually paid to their proprietor.

Thus the final attempt to restore the Stewarts had resulted in the extinction of the last relics of feudalism in Scotland. The failure of that attempt, indeed, was due not so much to the arms of Cumberland as to the general progressive forces of the time. The ideas which Charles represented were incompatible with the interests of a people which had broken for

[1] £602,000, in round numbers, was the sum claimed in compensation by those possessed of heritable jurisdictions; but they actually received £152,000, little more than a fourth of the sum demanded. There were 160 holders of jurisdictions.

[2] Fines which had hitherto gone to the superior now went to the Crown.

ever with the traditions of feudalism. Among his Highland chiefs Charles was in a world where he was perfectly at home; but in Glasgow or Edinburgh he and his followers were like apparitions from another age, whom the good burghers regarded as in a dream. When we consider Charles's adventure from its beginning to its end, we see that he was foiled not so much by the exertions of the Government as by the inert opposition of the masses of the people in both countries. His romantic appeal, moreover, met with no response from the classes with whom the future of the nation's material greatness lay. As Fielding said then, and Scott said after him, Charles had common sense arrayed against him—common sense which looked to the past as well as to the future, and which saw no good reason to suppose that James III and VIII would make a better King than George II.

If we look for a figure in Scotland who may represent the nation's ideals and aspirations during the 'Forty-five, it is to the Lord President Forbes that we must turn. In his counsels as in his action he showed a comprehension of the national life as a whole which is found in no other Scotsman of his time. From the first he accepted the conditions in which Scotland was placed by the Union; and it was his lifelong endeavour to draw from these conditions such national advantages as they offered. A patriotic Scot if ever there was one, it was his conviction that, in spite of the union with a greater people, Scotland might still retain her individuality as a nation, if by strenuous and intelligent effort she would but develop the natural resources at her disposal. But it is his chief claim to honour that he understood, as none of his contemporaries did, the precise nature of the problem presented by the Highlands and their people in the national economy. It was owing to him more than to any other person that the rebellion had been successfully suppressed; and it would have been well for the future of the Highlands had his counsels been taken in the policy that followed. As it was, his counsels of lenity and of

healing were set aside[1]; and an opportunity was lost which was only to be redeemed in the slow process of time. When he died at Edinburgh on December 10, 1747, it was in neglect and even in contumely on the part of a Government of which he had been the most disinterested and enlightened public servant, and for which, unrequited, he had spent his life, credit and means.

[1] Cumberland thus writes of Forbes: "Lord President has joined me, and as yet we are vastly fond of one another, but I fear it will not last, as he is as arrant Highland mad as Lord Stair or Crawford."—Torrens, *History of Cabinets*, II. 90. The fondness did not last. At a later date Cumberland describes Forbes as "that old woman who talked to me of humanity."

CHAPTER VIII.

GEORGE II, 1727—1760.
GEORGE III, 1760—1820.

I. Public Events from 1745 to 1789.

The half-century in the history of Scotland that followed the 'Forty-five has been described as "the period of her most energetic, peculiar, and most various life[1]"; and foreign observers, at least, would endorse the statement. During that period Scotland made her largest contribution to the world alike in the sphere of speculative and practical ideas; in literature, in philosophy, in economical science, she may then fairly claim to have been a pioneer in opening up new possibilities for the future of the nations. This new flowering of the national spirit implied a complete breach with the past; and we have seen the successive steps by which the breach had been effected. Commerce and the modern spirit had vanquished the Stewarts and the political principles which they represented; and they had concurrently over-ridden the theocratic ideals which had been the bequest of the Reformation of 1560. It was in the purely secular sphere that Scotland now achieved what is set to her account by the world at large; religion, as it manifests itself in soul or mind, bore the stamp of mediocrity throughout the whole period.

Nor was this secular expansion associated with a strenuous political life in the nation as a whole. As in the other western nations—England, France, and Germany—the mass of the

[1] David Masson, *Edinburgh Sketches and Memories* (1892), p. 143.

population, including the middle classes[1], had neither political ideals nor any living concern in the government of the country. The electoral arrangements, in the case of burgh and county representatives alike, afford a simple explanation of the general indifference. The forty-five members who represented Scotland in the British Parliament were returned by a few thousand out of a population that may be reckoned between one and one and a half millions. Nor did the means exist for popular information regarding public affairs which might be agitating parties at Westminster. "We had no newspapers in those days[2]," writes the Rev. Mr Balwhidder of his Ayrshire parish under the year 1769; and of the country at large the statement is equally true. To Edinburgh there came weekly a meagre letter on political events, which appeared in the *Edinburgh Evening Courant* or the *Caledonian Mercury*; but even this news was mainly restricted to the capital. Till 1758, when the pace was quickened as the result of a memorial, letters between Edinburgh and London took between ten and twelve days on the journey.

Under such conditions there could be no continuous national interest in public affairs which would materially influence the current policy of statesmen. Under any system of representation, indeed, there are crises which evoke a national feeling vehement enough to determine the course of events and to overthrow governments; and such explosions of feeling actually occurred in Scotland, as they did in England during the same period. But these crises came only when some measure of the Government or some public event awoke

[1] According to David Hume there was no middle class in Scotland. There were only "gentlemen who have some rank and education and the meanest starving poor."—Hill Burton, *Life of Hume*, I. 198.

[2] Galt, *Annals of the Parish*, Chap. X. The newspapers in circulation at this time were the *Edinburgh Evening Courant* (founded 1718), *Caledonian Mercury* (1720), *Scots Magazine* (1739), *Glasgow Journal* (1729), *Aberdeen Journal* (1746). The circulation of the *Caledonian Mercury* in 1739 was 1400.—W. J. Couper, *Edin. Periodical Press*, II. 45.

dormant prejudices and passions and gave a voice to the multitude. From 1745 till the outbreak of the French Revolution in 1789 a national political life was virtually non-existent; and its record is confined to a few measures passed in the special interest of the Scottish people and to a few events which occasioned a temporary paroxysm of the public mind. During the first half of the reign of George II the rivalries of the Argathelians and the Squadrone gave a certain continuity to political life in Scotland; but, during the period now before us, there were no sharply divided parties, headed by prominent leaders, whose action excited any lively interest among the people at large. There were certain Scotsmen, such as Lord Bute, Lord Loughborough, and Henry Dundas, who played an important part in imperial politics; but their careers belong to British and not to Scottish history. As for the rank and file of the Scottish representatives who sat at Westminster, they were in the main but the appendages of the English parties and factions which in rapid succession displaced each other in the struggle for power. Even among the limited number of Scotsmen who took any interest in politics there ceased to be any keen opposition of principles; and such differences of opinion as existed between them were the result of temperament and family tradition rather than of reasoned conviction consistently applied to public events[1]. The second President, Dundas, professed himself a strenuous Whig[2]; but, had he lived to see the French Revolution, his Whiggism would easily have passed into the Toryism of his brother Henry, in whom Whiggism and Toryism combined to make the satrap of Scotland.

Between the retreat of Prince Charles from England and the battle of Culloden a revolution had occurred in the Ministry which involved a change in the administration of

[1] Ramsay, *Scotland and Scotsmen in the Eighteenth Century*, I. 331, 339.

[2] Omond, *Arniston Memoirs*, pp. 146—7.

Scotland. At the close of 1745, Henry Pelham, the chief of the Broad-bottomed Ministry, had insisted on the admission of Pitt. The King demurred, and called on Lord Tweeddale and Lord Granville to form a ministry. They failed in the attempt; and Pelham, with Pitt as a colleague, was restored to power. The result was the removal of Tweeddale from the office of Secretary for Scotland, and, at the same time, the abolition of the office itself. As we have seen, the office had never been regarded with favour since the time when James VI had transported the Secretary to London. It was one day to appear, however, that the exorbitant powers of the Secretary were possible under another *régime*.

1746 Now, as under Walpole, the most influential man in Scotland was the Duke of Argyle, who formerly, as Lord Islay, had been known as the "King" of the country and "congé d'élire." In the existing condition of parties, his power could not be so absolute as it had been during the ascendency of the Argathelians; but it was still sufficient to enable him to exercise a wide influence on the constituencies and to be the grand distributor of public office. He retained his supreme position till his death in 1761, when the long ascendency of his house subsequently passed to another family which was to attain still greater predominance in the direction of Scottish affairs. But such public measures as belong to the period are not associated with the name of Argyle. The official who filled the place of the defunct Secretary was the Lord Advocate to whom it fell to superintend such legislation as related to Scotland. In February, 1746, the post of Lord Advocate was given to William Grant of Prestongrange, who throughout his term of office approved himself to be of the best type of the public-spirited lawyer.

1749—1750 In the case of the Act for disarming the Highlands and the Act abolishing heritable jurisdictions—both introduced during his first year of office—Grant had not the chief responsibility; but for other important

measures relating to Scotland he deserves the main credit. In the teeth of a vehement opposition, he carried a resolution for the grant of £10,000 to the city of Glasgow in compensation for its losses during the late rebellion (1749)[1]. The enlightened amendment of an Act for regulating the linen manufacture shows the growth of more intelligent views regarding the development of national industries. By the existing law—a tradition of mediaeval economy—no one could practise any branch of a trade without the consent of the corporation and without paying a fee for that consent. By the amended Act, however, all workers in linen were authorised to exercise their trade in any "city, town, corporation, burgh or place in Scotland, without any lett or hindrance from any person or persons whatever"; and this, moreover, without the payment of any entry-money or duty[2] (1750). As a blow at the exclusive privileges which still trammelled trade and manufactures in Scotland, this Act is of special interest in the economical history of the country.

But the most important measure for which Lord Advocate Grant was mainly responsible has still to be mentioned. This was the measure entitled "An Act 1752 for annexing certain Forfeited Estates in Scotland inalienably to the Crown," the object of which was the improvement of the condition of the Highlands. Though all danger of another rebellion had been effectually averted, in many parts of the Highlands the King's writ was openly set at defiance. It was still necessary to keep garrisons at Fort William and Fort Augustus; and the passes to certain districts had still to be guarded[3]. Only by some great healing measure, therefore,

[1] *Parliamentary History*, XIV. 497—538.

[2] 13 Geo. I. c. 26.

[3] Omond, *Lord Advocates of Scotland*, II. 47. The unsettled condition of parts of the Highlands after the suppression of the Rising of 1745 is vividly illustrated in Vol. I. of the *Albemarle Papers* (New Spalding Club, 1902), *passim*.

could the Highland country as a whole be placed in a condition which would reconcile its people to a life of peace and industry; and such was the aim of the Bill introduced by Grant in February, 1752. Both in the Lords and the Commons the Bill met with opposition, but in both Houses it was carried by large majorities. The scope of the Act was at once religious, educational, and economical. Schools were to be established for the instruction of the children in the Protestant religion, in the reading of English, and in the "several branches of agriculture and manufactures." Leases for twenty-one years were to be granted; and the tenants (prohibited from sub-letting their holdings) were to receive compensation for improvements[1]. The gross rental of the forfeited estates amounted to about £8000; but, after the various deductions had been made, the sum available for the objects of the Act was little more than £5000. Entrusted to the charge of the Court of Exchequer, this sum was annually distributed by commissioners specially appointed for the purpose. Twenty years after the passing of the Act the intelligent traveller Pennant noted its beneficent results. Extensive tracts of barren and uncultivated land were enclosed and planted with timber. Sums of money, free of interest for five years, were lent to tenants to enable them to enclose their farms. All works of public utility were encouraged by the commissioners, who further took pains to secure the services of persons skilled in various branches of industry[2]. Much still remained to be done for the improvement of the Highlands; but, as the author of the Forfeited Estates Act, Grant deserves to be remembered as one of their principal benefactors.

1752

Only seven weeks after the passing of the Act a crime was committed which has its place in tradition and romance, and illustrates the difficulties of subjecting certain parts of the Highlands to the law. In accord-

[1] 20 Geo. II. 2, c. 41; *Parl. Hist.* XIV. 1235.

[2] Pennant, *Tours in Scotland*, II. 92—3.

ance with the Feudal Jurisdictions Act, factors, carefully selected, had been appointed to collect the rents of the forfeited estates. To the Highlander rents were a novelty; and he regarded them as a tyrannous exaction by detested aliens. Among the factors was Colin Campbell of Glenure, who was charged with receiving the rents from the forfeited estates of Lochiel and Ardshiel. On both of these estates the tenants were paying sums of money to their exiled chiefs[1], so that the burden on them was heavy. On the 14th of May, 1752, Campbell was proceeding to evict the non-paying tenants on the lands of Ardshiel, when, as he was passing through the wood of Lettermore, near Ballachulish, he was shot dead by an unseen hand. One Allan Breck Stewart (known to readers of R. L. Stevenson's *Kidnapped*) was suspected of the murder; and a kinsman of the Ardshiel family, James Stewart, was suspected of being his accomplice. Allan escaped, but James was brought to trial at Inverary, where he was found guilty and condemned to death by a jury, the majority of whom were Campbells, the hereditary enemies of his clan. To impress the neighbourhood with the terrors of the law, Stewart was executed on the spot where the murder had been committed; and long afterwards, it is said, the passers-by would arrest their steps where the gibbet had stood, and re-tell the tale of the "Appin murder[2]."

In 1754 Grant became a judge under the title of Lord Prestongrange, and was succeeded in the office of Lord Advocate by Robert Dundas of Arniston. 1754—1760 Dundas's grandfather and great-grandfather had been ordinary judges, and his father had been President of the Court of Session; but the highest fortunes of the family were still in the future. Dundas held office from 1754 to 1760—a notable period in the history of the British Empire, as it saw the

[1] Stewart, *Sketches of the Highlanders*, II. App. p. xxxix.

[2] *Ib.* pp. xl—xli. An admirable account of all the circumstances connected with the Appin murder is given by Mr D. A. Mackay in his *Trial of James Stewart*, Glasgow, 1907.

victories of Quebec and Plassy which established British ascendency in Canada and India. In Scotland the period is distinguished by no outstanding event; and Dundas's name is associated with no important legislative measure. In parts of the Western Highlands there was still disaffection. Glengarry, out of "arrogance, insolence, and pride," refused to supply the garrison at Fort Augustus with peat; and in Badenoch Cluny Macpherson still remained in safe hiding, and was a centre of unrest in that territory. Even into the Western Highlands, however, the Forfeited Estates Bill had brought some measure of improvement. General Watson, the commander at Fort Augustus, wrote (1755) to Dundas that in a journey round the west coast of Argyleshire he "had the pleasure of seeing a great change in all respects to the better, a foundation of both wealth and industry in many places; and the people sensible of their present happy condition." Even in Ardshiel, the scene of the Appin murder, the "King's tenants" were happier than their neighbours and were clamouring for a kirk and a school[1].

Two Acts relating to Scotland, passed during Dundas's term of office, were necessitated by the increasing trade of the country. By the one—an Act for encouraging the fisheries of Scotland—all the inhabitants of Great Britain were permitted to buy fish from Scottish fishermen; all duties except the ordinary customs were to be taken off salt imported for the curing of fish; and it was made lawful to carry fish from Scotland to any port in England for re-exportation[2]. The other Act, entitled an Act for the better preservation of turnpike roads, placed Scotland in a favourable condition compared with other countries. Great sums, the preamble of the Act ran, had hitherto been expended in repairing the turnpikes; but, owing to the weight of vehicles drawn by as many as eight or more horses, it had been found impossible to maintain the roads in tolerable condition. The object of the Act, therefore,

[1] Omond, *Arniston Memoirs*, pp. 153—5.
[2] 29 Geo. II. cap. 23.

was to regulate traffic by a scale of dues proportioned to the weight of the vehicles and the number of horses by which they were drawn—the money thus raised to be spent in maintaining the public roads[1]. Both John Wesley and Dr Johnson were struck by the excellence of the highways in their travels through Scotland.

"At no period perhaps since the Union of the Crowns," writes Ramsay of Ochtertyre, "was the political horizon of Scotland more calm and unclouded than from 1754 to 1760"—the period of Dundas's term of office[2]. The close of this period, however, saw one of those periodical outbursts of national feeling engendered by distrust and jealousy of England. In 1757 Parliament had passed a statute establishing a militia in England; and why, the clamour arose, should not Scotland have a militia as well? She had to contribute her quota to the maintenance of the English militia, and she was as open to the attack of foreign enemies as England. As it happened, in the beginning of 1760, Captain Thurot, at the head of a small French squadron, had plundered Carrickfergus, and made an attempt on the Isle of Man, where his ships were taken and himself slain. As Scotland was thought to have been Thurot's ultimate object, his expedition was made the occasion of bringing in a bill for providing Scotland with a militia. Its author, Sir Gilbert Elliott, received the support of the majority of the Scottish members; but, as a measure of the Tories, it was rejected by the Whig Government of Newcastle. The effect produced in Scotland by the rejection of the bill recalled the times that followed the Porteous mob. Dundas, who opposed it on the ground that it would ruin the growing manufactures of the country, had to bear the brunt of the national odium; and he was taunted with being bribed with the Presidency of the Court of Session—an office to which he was immediately afterwards appointed. The

1760

[1] 32 Geo. II. c. 15.

[2] Ramsay, *op. cit.* I. 332.

excitement in the nation found vent in pamphlets, public meetings, and petitions to members of Parliament; and nowhere was the excitement greater than in Edinburgh. In 1762 was founded the Poker Club, which counted among its members the chief "literati" of Edinburgh and its neighbourhood, and had for its express object "to stir up the fire and spirit of the country[1]." There was an important minority in the country, however, who were disposed to think that the Ministry had acted prudently in refusing to establish a militia in Scotland. Jacobitism, this minority reasoned, was not dead, and conditions might arise in which a militia might be a weapon against the existing Government; moreover, the expense of maintaining it would be a burden which the nation was ill-fitted to bear. But the invidious treatment of Scotland as compared with England left a soreness against the sister country which rankled for many years to come.

1760—1770

Dundas was made President of the Court of Session in June, 1760, and was succeeded in the office of Advocate by Thomas Miller, subsequently the "aged judge...Dispensing good" of Burns's *Vision*. The accession of George III in the same year was a turning-point in the history of British politics—the persistent object of the new King being the suppression of the Whig party who had dominated the Government of his father. Miller held office for five years and saw the fall of three Ministries—those of Newcastle, Bute, and Grenville. In Bute, as a Scot at the head of the Government, Scotland had a special interest; but the history of his Ministry belongs to the history of the United Kingdom. So far as Bute's relation to Scotland is concerned, it is sufficient to note that, on the death of Argyle in 1761, he and his brother Stuart Mackenzie succeeded him in the management of Scottish affairs; and that the fanatical hate of Scotland evoked in England by Bute's Ministry still further

[1] Henry Mackenzie, *Life of Mr John Home*, pp. 26—7.

estranged the two peoples, and prejudiced the majority of Scotsmen against the Whig party[1].

To the period of Miller's term of office belongs a measure which is another indication that the development of commerce was now Scotland's main concern. About the year 1764, the question of the paper currency began seriously to exercise the minds of commercial men. At this time there were no fewer than six Banks and Banking companies issuing notes with what was called an "optional clause," by which was meant that payment would be made six months after demand. This was a practice which was attended by many mischiefs; and it was aggravated by the fact that notes were issued for sums as low as one shilling. It was to put an end to both of these practices that Miller brought in a Banking Bill (1765), which passed both Houses. By this Act bank-notes with an optional clause were prohibited after the 15th of May, 1766, and the issue of notes for sums less than twenty shillings sterling after the 1st of June, 1765[2].

In 1765, Lord Advocate Miller was promoted to the Bench, and was succeeded by James Montgomery, who held office for nine years under three Administrations—those of Rockingham, of Pitt and Grafton, and of Lord North. They were years of momentous import in the destinies of the United Kingdom, for in these years began those strained relations with the North American Colonies which ended in their casting off the mother-country. Scotland, also, had its own excitements during the period, though not in the sphere of high politics. An affair with just the due admixture of mystery, romance, and

[1] A curious illustration of the English fury against all Scots at this time is found in the life of David Hume. Lord Hertford, Lord-lieutenant of Ireland, proposed to take Hume with him to Dublin as his secretary; but the outcry in London was so loud against the proposal that Hertford had to abandon his intention. The Princess Amelia suggested as a compromise that Hume should be made an Irish bishop!—*Correspondence of Baron Hume*, II. 45.

[2] 5 Geo. III. c. 49.

fact to excite popular feeling, divided public opinion and evoked men's passions to such a degree that, according to a high authority[1], it all but plunged the country in civil war.

In the year 1753, there died in an obscure lodging in Paris, Lady Jane Douglas, sister of Archibald, Duke of Douglas. At the age of forty-eight, Lady Jane had married Colonel John Steuart, afterwards Sir John Steuart of Grandtully; and two years later (1749) she gave birth in Paris to twin sons, one of whom died. In 1761 the Duke of Douglas died; and the guardians of Lady Jane's surviving son had him confirmed in the Douglas estates in the terms of the last entail made by the Duke. And now followed the proceedings which made the "Douglas Cause" the most memorable lawsuit of the century[2]. Lady Jane had been privately married; and her age and the circumstances of her alleged son's birth naturally raised suspicions of her maternity. No fewer than three claimants—the Duke of Hamilton, Lord Douglas Hamilton, Sir Hew Dalrymple—impugned the title of Steuart Douglas on the ground that he was not Lady Jane's son; and in due course the case came before the Court of Session. "No person," writes one who was in Edinburgh while the case was being tried, "who did not live at the time this cause was depending, can form any conception of the agitation, the anxiety, the polemical spirit which it excited among the inhabitants of the metropolis, and, indeed, far and wide throughout the country. It was a constant subject of conversation in companies of every description. Families of all ranks ranged themselves on different sides of the contest. Members of the same family were often at variance with one another[3]." Even the judges who tried the case, it is said, were carried away by the passions of the hour; and it was known beforehand which

[1] Lord Chancellor Campbell.

[2] See *The Douglas Cause*, edited by A. Francis Stewart, Advocate, Glasgow and Edin. 1909.

[3] T. Somerville, *My Own Life and Times*, 1741—1814, p. 112.

side they would favour[1]. On the 15th July, 1767, judgment was given against Douglas by the casting vote of Lord President Dundas. An appeal followed to the House of Lords, which without a division reversed the judgment of the Court of Session. The news was brought to Edinburgh by Islay Campbell of Succoth, who outstripping the post, with the shout "Douglas for ever!" proclaimed the decision from the town-cross. The House of Hamilton had long been unpopular, and the jubilation throughout the country was "even outrageous[2]." In Edinburgh the exultation of the populace knew no bounds. The city was illuminated; a bonfire blazed on Arthur's Seat; and the ships at Leith flew their colours. President Dundas, who had given the casting vote adverse to Douglas, had to be protected by troops specially brought into the town, though not till his house had been attacked, as were those of the judges who voted with him.

With the name of Lord Advocate Montgomery is associated an important measure necessitated by the agricultural development of the country. In 1685 an Act of Entail had been passed under the auspices of Sir George Mackenzie, which bound the heir of entail to conditions disastrous to the improvement of his estates. By that Act the heir could not grant leases beyond the term of his own life, and in some cases for more than two or three years; he could neither sell nor feu, nor even borrow for the object of improvements. Short leases had for centuries been the bane of agricultural industry in Scotland; and Mackenzie's Act, solely in the interest of the landed class, was a grievous anachronism even at the time when it was passed. It was to the remedy of the mischief resulting from the existing law that Montgomery's Entail Act (1770) was expressly directed. By this Act the proprietors were empowered to grant leases "for any number of years not exceeding fourteen years...and for the life of one person to be named in such tacks or leases, and in being at the

1770

[1] Ramsay, *op. cit.* I. 339. [2] Carlyle, *Autobiography*, p. 513.

time thereof; or for the lives of two persons to be named therein...and the life of the survivor of them; or for any number of years not exceeding thirty-one years." In the case of leases extending beyond nineteen years, the tenant was bound to keep all fences in repair, and to abstain from enclosing more than forty acres in one field except in the case of non-arable ground; and every proprietor was empowered, under certain conditions, to grant leases for the purpose of building for any number of years not exceeding ninety-nine years[1]. What is specially noteworthy in connection with the passing of the Montgomery Act is that it was the result of a pressure of public opinion which the authorities could not ignore.

1772—1773

The development of agriculture raised many economical questions besides that of the law of entail; and in the year 1772 these questions became acute. In that year England and Scotland were visited by a dearth which reduced thousands of the poor to starvation in both countries. John Wesley, in a letter addressed to the editor of the *Scots Magazine*, drew a harrowing picture of what he had seen on his travels through England, and suggested remedies for lessening the calamity[2]. Another correspondent of the same Magazine informs us that there were no fewer than nine causes alleged for the existing dearth—among the nine being the engrossing of farms, the enclosing of commons, and the increase of horses. Nine remedies, he says, have been suggested; but all of them he rejects in favour of one which he considers "the most powerful of all the rest,"—"opening the ports for the free importation of all sorts of provisions from every quarter of the world[3]." The same correspondent, writing in April, 1772, alleges that "the poor are everywhere ripe for riot and mischief[4]." Before the close of the year the words were literally verified. In several parts of the country broke out meal riots, with which the authorities proved unequal to

[1] 10 Geo. III. c. 51.
[2] *Scots Magazine*, Vol. 34 (1772), p. 665.
[3] *Ib.* pp. 115—8.
[4] *Ib.* p. 184.

cope. It was in Perth that the riots took the most violent form. On the 30th of December, "a number of people of both sexes" assembled in the town, boarded two vessels lying in the river Tay, and made off with such victual as they found to their hands. A few days later the mob made the attempt to deliver two of their comrades from the town gaol. The military were called out, but were overpowered by the rioters, the Provost being forced to release the two prisoners. "The apparent cause of all this," is the comment of the editor of the *Scots Magazine*, "was the total want of meal in the market of Perth for eight or ten days and the neglect of the police to provide against this[1]." In other parts of the country the police proved equally incapable of dealing with the rioters, who were only held in check by measures of self-defence on the part of the landlords and others who were their victims.

In the year 1775 succeeded to the office of Lord Advocate one who for nearly thirty years was to be the first man in Scotland and to wield more than kingly power over his fellow-countrymen. Henry Dundas owed his extraordinary position at once to the prestige of his family, to his own personal qualities, and to the political condition of Scotland as he found it. Since the Restoration there had been four judges in the family—two of them Lords President, his father and his brother. It was with this inherited prestige that he entered on his professional career; and he speedily showed that he possessed precisely the qualities requisite for success in the public life of the time. Robust, jovial, strong-headed, he was a typical public man of the century. In an age of ferocious political rancour, he was distinguished by a geniality of temper which is attested alike by his friends and his foes. "He was devoid of all affectation, all pride, all pretension; in his demeanour hearty and good-humoured to

1775

[1] *Scots Magazine*, Vol. 34, p. 692; cf. S. Cowan's *Ancient Capital of Scotland* (Perth), Vol. II. pp. 327—330, for a further account of the Meal Riots at Perth.

all," is the testimony of Lord Brougham; and another Whig, though a kinsman, Lord Cockburn, avers that "he was the very man for Scotland at that time, and is a Scotchman of whom his country may be proud." With this personal attractiveness he conjoined mental qualities which gave him a power in debate and a mastery of business that placed him in the front rank of the statesmen of his time. Like the leading public men of the day, almost without exception, he had no reasoned, consistent political creed, nor had he the enlightened, single-eyed patriotism which we find in Lord President Forbes. In the Belles Lettres Society, while a student in the University of Edinburgh, he "professed an enthusiastic attachment to Whig principles[1]"; yet he held office first as Solicitor-General and afterwards as Lord Advocate under the Tory Government of Lord North, and successively served in the Whig Governments of Rockingham and Shelburne. The Toryism which eventually became his political creed was indeed the result of new political conditions, which created new divisional lines between parties and their chiefs. From the date when he became Lord Advocate he was a power in Scotland; but it was at a later day that he acquired the unbounded influence which is known as the "Dundas Despotism."

1775 To the first year of Dundas's term of office belongs a beneficent statute mainly due to the industrial development of the country. While in Scotland general villenage had been abolished earlier than in other countries, there still remained a strange survival of that condition: the whole race of colliers and salters were in a state of serfdom as absolute as that of the early Middle Age[2]. They were bound from birth to the works with which they and their families were connected, and were transferable when their masters had no further use for them; while a freeman, by be-

[1] Somerville, *op. cit.* p. 41.

[2] The newspapers of the time contain numerous advertisements for colliers who had deserted their owners.

coming a collier or a salter for the space of a year, forfeited his freedom. If we may judge from the preamble of the statute in question, it was for economic rather than for benevolent reasons that it received Parliamentary sanction. The quantity of coal and salt necessary to meet the want of the country had greatly increased; and, owing to the existing conditions of colliers and salters, a sufficient number of them were not procurable, "to the great loss of the owners and disadvantage to the public." The provisions of the statute are an interesting commentary on a time when ideas of social reform had not yet entered the minds of statesmen. It was enacted that no one voluntarily becoming a collier or a salter should forfeit his freedom; and that those born in servitude should be liberated after a term of years proportioned to the age they had reached at the passing of the Act[1]. Not till 1799, when enlarged ideas of the duty of the State had begun to prevail, was the stigma on the country removed by the complete emancipation of both classes[2].

1778—1779

The year 1778 saw a signal illustration of the fact that a nation aroused can make its will felt under any form of representation. In that year Parliament passed a measure for relieving Roman Catholics from disabilities imposed by an Act of William III "for the further preventing the growth of Popery." By the Act of William, Catholics were prohibited from teaching their own youth, from purchasing or inheriting a single acre of land, and even from becoming domestic servants. The Act removing these disabilities, applicable only to England, received the support of Whigs and Tories alike, though the English populace showed their dissatisfaction with the measure by frequent riots in different parts of the country. In the course of the same year

[1] 15 Geo. III. c. 28.

[2] In certain parts of Germany the *Leibeigenen* were not enfranchised till the middle of the 19th century. At the close of the 18th century there were 170,000 serfs in France.

it was rumoured that a bill to a similar purport, applicable to Scotland, was to be introduced by Dundas. The rumour evoked an outburst of national feeling which showed that the ancient spirit was not dead. From the Reformation onwards the dread and hatred of Rome had been far more intense in Scotland than in England—a fact sufficiently explained by the different conditions under which Protestantism had come to birth in the two countries. It was the spectre of Rome that had been the main cause of the Covenants and of the final rejection of the House of Stewart. Since the Revolution other interests and other fears had preoccupied the mind of the country; but the panic of alarm aroused by the rumoured bill proved that the horror of the old enemy was still an obsession.

It was not in Scotland, as in England, mainly the populace that raised the outcry against the proposed bill. The majority among the educated classes of all shades of religious and political creed denounced it as a making of terms with a dangerous superstition. It was an Episcopalian clergyman, Dr Abernethy Drummond, afterwards Bishop of Edinburgh, who was the first to sound the alarm; and Dr John Erskine, the leader of the Evangelical party in the Church of Scotland, wrote a pamphlet to prove that the bill would be disastrous to religion and disastrous to liberty[1]. Under the designation of the Friends of the Protestant Religion, a society was formed for the express purpose of averting the threatened calamity. A public meeting was held; agents were dispersed through the country to obtain subscriptions to a general petition against the bill; and everywhere they received an eager response. In the beginning of 1779 the popular fury took a more violent form: a riot broke out in Glasgow, and another shortly afterwards in Edinburgh. In the latter town a Catholic chapel was destroyed; the houses of Catholic citizens were attacked;

[1] Erskine carried on an interesting correspondence with Burke on the subject of Catholic Emancipation, Burke strongly defending it. See the Life of Erskine by Henry Moncreiff Wellwood.

and it was only by the presence of the military, called in for the occasion, that the residences of Principal Robertson and others who had shown sympathy with the bill were rescued from similar treatment. The effect of these popular demonstrations was conspicuously shown in the proceedings of the General Assembly. In May, 1778, it rejected a motion against the relief of Catholics by a majority of a hundred and eighteen against twenty-four; but in May, 1779, it put on record that the repeal of the existing laws against Catholics would be "highly inexpedient, dangerous, and prejudicial to the best interests of religion and civil society in this part of the United Kingdom." In view of an insurgent nation, Dundas saw the impolicy of pressing his bill; and, under the taunts of Wilkes for his meanness and cowardice, he informed the House that he had resolved to abandon it. A year later the Gordon Riots in London were to prove that fanaticism was not confined to the country north of the Border[1].

In the case of another national panic of a different nature (1780) Dundas had the full sympathy of the country in the action he took. In 1779, Spain and France 1780 contracted an alliance against Great Britain in her war with the American Colonies. Their combined fleets swept the English Channel; and it seemed for a time that Britain had lost her established supremacy at sea. As usual, rumour outran the facts; and in Scotland there was general alarm lest the enemy should seek her shores. A report got abroad that ships had been seen off Dunbar; and from all the towns and villages on the Firth of Forth came eager offers of service against the enemy. It was an opportunity for Dundas to add the needed strength to the navy. The measures he took with this object were those which had been adopted in 1664 by Charles II on the approaching war with Holland. The government officials

[1] In this connection it may be recalled that the Parlement of Paris protested against an Edict of 1788, which granted civil rights to Protestants.

and magistrates, not only of the seaports, but in all parts of the country, were charged to impress every able-bodied seaman who was to be found within their bounds. Panic and patriotism combined to evoke an effectual response; and Dundas had the satisfaction of materially adding to the strength of the navy, though, as was to be seen at a later day, the precedent was not an unalloyed good.

1782—1784

Two other measures, passed under the superintendence of Dundas, found equal favour in the country. All danger from Jacobitism, it was now perceived, was a thing of the past; the Highlands, its peculiar home, were now distracted by other preoccupations than concern for the fortunes of the House of Stewart; and the nation generally was convinced that the Act of repression passed against them after the 'Forty-five might be safely cancelled. In 1782, therefore, the clause of that Act prohibiting the use of the Highland dress was repealed[1]; and in 1784 there followed another Act in the same spirit of oblivion of a past quarrel. We have seen that in 1752 the estates forfeited by the rebellion of 1745 had been inalienably annexed to the Crown. With the all but unanimous support of both Houses, Dundas carried an Act for restoring these estates to their legal heirs. The King, he assured the Commons, had not "a set of more loyal subjects in his dominions" than the Highlanders; and, in support of his affirmation, he quoted the eloquent words of Chatham, "I sought only for merit and I found it in the mountains of the North; I there found a hardy race of men, able to do the country service, but labouring under a proscription: I called them forth to her aid and sent them forth to fight her battles. They did not disappoint my expectations, for their fidelity was equal to their valour." The restoration of the estates, however, was qualified by a condition: the debts that had accumulated upon them were to go to the public good, and specially towards

[1] 1 & 2 Geo. III. c. 62.

the expenses of completing the Forth and Clyde Canal and of making and repairing roads in the Highland country[1].

While these various measures were passing, there had been vicissitudes in political parties which eventually placed Dundas in a position that made him the veritable "King" of Scotland. On the death of Rockingham in 1782 his Ministry was followed by that of Shelburne, under whom Dundas retained the office of Lord Advocate, and, conjoined with it, those of Treasurer of the Navy and Keeper of the Scottish signet, "with the patronage of all places in Scotland." Then followed the cynical Coalition Ministry of Fox and Lord North, in which for a time Dundas retained a place, but from which he was eventually dismissed owing to suspicion of his loyalty to their Government. The suspicion arose from his connection with one with whom his name is henceforth indissolubly associated, and to whom he was mainly to owe the future greatness of his fortunes. Pitt and Dundas had both begun their political life as Whigs, though they had not always supported the same measures. When in 1782 Pitt brought forward a motion for Parliamentary reform, Dundas opposed him; and when, in the same year, Dundas moved the recall of Warren Hastings from India, Pitt had not stood by his side. In 1783 Pitt again brought forward a motion for Parliamentary reform; and on this occasion Dundas was his ally—a conjunction of persons and circumstances on which future years were to afford a sufficiently ironical commentary. The alliance was now struck, and, cemented by common ambitions, common antipathies, and common interests it remained unbroken till the death of Pitt twenty-three years later—a notable example of political comradeship in the annals of British statesmen. But for his alliance with Pitt, Dundas could not have played the part he did; on the other hand, Dundas did for Pitt what no other man could have done. He was Pitt's most faithful henchman; his power in debate and his skill in business made him an

[1] 24 Geo. III. c. 57; *Parl. Hist.* XXIV. 1316—1322.

invaluable colleague; and, not least of his services, he could bring to the support of Pitt's Government the unswerving vote of almost the entire body of Scottish representatives.

With the accession of Pitt to power in 1783 began the most brilliant period of Dundas's career as a British statesman, and the period, also, of his supreme domination in Scotland which is specifically known as the period of the "Dundas Despotism." Associated with Pitt, he held successively the offices of Treasurer of the Navy, Secretary for War, and First Lord of the Admiralty. His career as a minister belongs to British history, but as President of the Board of Control of India he wielded an authority which directly influenced Scotland. As absolute master of all public offices in India, he lavishly bestowed them on Scotsmen; and thus began the connection of Scotland with that country which produced the long succession of distinguished Scots who have played such an important part in its subsequent history.

It has already been said that Dundas owed his predominance in Scotland at once to family prestige, to his own personal qualities, and to the existing condition of the country. But for this last advantage, however, the Dundas despotism would have been impossible. It was in the state of the electorate that Dundas found the basis on which his absolute control of the country rested. The population of Scotland at this period was about $1\frac{1}{2}$ millions, represented by forty-five members, thirty for the counties and fifteen for the burghs. In the year 1788 the total number of electors in the counties was 4662; while the number for each county ranged from 205, the electorate of Ayrshire, to 12, the electorate of Buteshire[1]. In the case of every county the voters were almost to a man at the disposal of the county magnate or magnates; thus in Argyleshire the Duke of Argyle had the electorate in his hand,

[1] C. E. Elphinstone Adam, *View of the Political State of Scotland.—A Confidential Report*, &c., p. xxxii.

while in Ayrshire it was divided mainly among 16 freeholders[1]. Of the sixty-six burghs Edinburgh alone had a representative to itself; in the case of the other burghs one member represented groups of four or five, known as a *district*. The method of election was for each Town Council of the group to choose a delegate, and for the four or five delegates to meet at the head burgh and choose the member. With his universal control of patronage, it was a simple matter for Dundas to direct this electoral machinery. The persons in whose hands votes lay were precisely those who received the chief benefit from the patronage which Dundas was able to bestow. For themselves or their friends or kinsmen there were desirable offices in the law, the army, the navy, the church, and in the public services in the United Kingdom and the Colonies. Moreover, it was no compulsory service that Dundas exacted from the freeholders, who by the manufacture of fictitious votes and other means in their power, returned members bound to support the policy of the Government. With few exceptions they were at one with him regarding that policy; and they saw no iniquity in the fact that in a nominally free country the voice of the people was unheard. Such was the Dundas despotism, throughout which, as it was emphatically said, Scotland "was not unlike a village at a great man's gate[2]." Yet it would be erroneous to suppose that Dundas in his management of Scotland was guilty of any monstrous political innovation. He only dealt with the electorate as he found it; and it was only the new political conditions arising at the close of the 18th century that concentrated in his hands an influence and an authority such as neither Lauderdale in the 17th nor Lord Islay in the first half of the 18th had ever wielded. The degradation and farce of the electorate, it need hardly be said, was not peculiar to

[1] C. E. Elphinstone Adam, *op. cit.* p. xxxii.

[2] Lord Cockburn, *Life of Jeffrey*, I. 76. In a speech at Ayr Quarter Sessions (1782) Mr Boswell of Auchinleck used the expression—"a representation of shadows."—*Caledonian Mercury*, Nov. 16, 1782.

Scotland; in England the same practices prevailed, though from the greater extent and population of the country they could not so completely suppress the free voice of the people. The English Whig nobility held views similar to those of Dundas regarding the methods of "gerrymandering" constituencies. About the year 1775, the period of which we are speaking, twenty-five great land-owners in England returned one hundred and sixteen members; and, at a later date, even the scrupulous Sir Samuel Romilly thought it no political sin to buy up a constituency.

At the very time when Dundas came to the full measure of his influence, new forces were beginning to work which for a period were to consolidate it, but in the end were to be its destruction. In 1782, 1783, and 1785, Pitt raised the question of Parliamentary reform. In each case his proposals were rejected; but the mere fact that the question had been raised was a proof that the public mind was being awakened to the contradiction between a nominally free constitution and existing facts. In Scotland this awakening spirit now began to assert itself in a more limited but not less useful cause than Parliamentary reform. The reform of the electorate being for the time felt to be hopeless, attention began to be directed to another much-needed reform—the reform of the municipal government of the burghs. The existing evils in the burghs were traced to that Act of James III (1469), copied from France, which gave power to the retiring Town Council to elect its successor, thus robbing the burgesses of their former right of free election. The consequences of this Act were the same in Scotland as in France. In a report of grievances given in by certain of the burghs in 1788, the following charges were made against the Town Councils in general: alienation of the public property contrary to the interests of the burgh, illegal contraction of debt, neglect of the police, arbitrary exercise of authority, illegal exactions, misapplication of the town revenues, and unequal quartering

of soldiers on the burgesses[1]. It was in 1782 that burgh reform first came under public discussion. In 1784 a Convention, consisting of delegates from one half of the burghs, met in Edinburgh with the express object of furthering the cause; and in following years similar Conventions were held in the same town. In 1787, letters were addressed to Pitt and Dundas urging the necessity of reform. Pitt made no response; but Dundas, "with the manly openness of his character," replied that "he would not support but oppose the object of burgh reform." Rebuffed by the Tories, the reformers turned to the Whigs, and found a sympathiser in Fox, who recommended them to put their case before Sheridan. "He will bring it forward in all its force," Fox assured them, and "I shall with infinite satisfaction support him[2]." Sheridan took up the cause "with warmth, alacrity, and ardour," and in successive sessions brought the question before the House of Commons, but was uniformly checkmated by Dundas, who gave it as his conviction "that it would conduce more to the real happiness and prosperity of the burghs to remain in their present state than to make any alteration whatever[3]."

The struggle had now begun which was to mark the next half-century as a distinct period in the national history. Like the religious struggle of the 16th century, the political struggle that was now to engage the Scottish people was associated with issues in which all Europe was concerned. In 1789 came the French Revolution, and with it a new epoch in the practical and speculative life of men. In Scotland as elsewhere "the minds of men were excited to new enterprises; a new genius, as it were, had descended upon the earth; and there was an erect and out-looking spirit abroad that was not to be satisfied with the taciturn regularity of ancient affairs[4]."

[1] A. Fletcher, *Memoir on Burgh Reform* (1819), pp. 85—9.
[2] *Ib.* p. 59.
[3] *Ib.* p. 93.
[4] Galt, *Annals of the Parish*, Ch. XXIX.

II. Industrial Progress from 1745 to 1789.

From the foregoing sketch of public events between 1746 and 1789 it will have appeared that the national mind was not generally or deeply concerned with ideas of political reform. It was in other spheres of activity that the country displayed the energy and initiative which gave a specific character to this period of the national history. It was by the development of her natural resources and by her contribution to the general stock of ideas that Scotland then achieved her greatest results at once for herself and for the community of nations. We have seen that a new start in the material development of the country may be dated from about the year 1730, and that in the beginning of the century there was already a quickening of thought in literature, philosophy, and science. It was in the period of repose that followed the 'Forty-five, however, that for the first time in her history Scotland found the opportunity for the free expansion of all her resources. No convulsive struggle now distracted her; intercourse with England, in spite of lingering prejudices, became more frequent and cordial; the example and stimulus of other nations reached her more directly; and it was her good fortune to produce at this very time a succession of master-minds in the most important departments of human thought.

Turning first to her growth in material prosperity, we find the period marked by an increase in her various industries, by an extension of her trade, and by the construction of public works unexampled at any previous time. The manufacture of linen had been one of her most promising industries before the 'Forty-five, but in the period under review that industry grew with rapid strides. For the year 1727—1728 the total value of the linen produced in the country was £103,312; for the year 1770—1771 it was £632,389[1]. In the case of other manufactures

[1] Pennant, *Tours in Scotland*, II. 473.

what is noteworthy is at once the increase of their number and the extent to which they were spread over the country. Edinburgh, Haddington, and Musselburgh were seats of the woollen manufacture; tartans, serges, and blankets were made at Stirling, carpets at Kilmarnock, stockings from Aberdeen to Stonehaven, while weaving was the chief industry of the inhabitants from Stonehaven to Dundee. Hawick was already a centre of the woollen manufacture; and other Border towns were following its lead in what has since become their staple trade. As a result of the war with the American Colonies arose the cotton manufacture, the raw stuff being imported from the West Indies. Thus, in the industrial revolution effected by the inventions of Arkwright and Crompton after the middle of the century, Scotland was prepared to play her part. Most important in her industrial development, however, was the utilisation of her stores of coal and iron. In 1760 were started the Carron Iron-works, which Pennant, who visited them in 1769, describes as "the greatest of the kind in Europe[1]."

From the 'Forty-five, also, dates an era in the husbandry of Scotland[2]. Leases became longer; farms were combined; and enclosures rapidly increased—hedges gradually displacing the stone fences. The general abolition of the "run-rig" system, by which different proprietors owned the alternate ridges of a field, was accompanied by improvements in tillage—the rotation of crops and the application of lime to the soil becoming more and more general. A similar improvement was seen in farm implements: the first threshing-machine was set up in 1787; and for the mediaeval plough drawn by ten or twelve oxen was substituted one that could be drawn by two horses. We have seen how at an earlier period the introduction of the potato brought a boon to the people; a similar boon was the cultiva-

[1] Pennant, *Tours in Scotland*, III. 263. Pennant says that he found twelve hundred men employed in these Works.

[2] Ramsay, *op. cit.* II. 212 et seq.

tion of the turnip, which now became general and by supplying winter food for cattle gradually abolished the ancient custom of "killing the mart." To no class did husbandry owe more than to the great lawyers of the time, who led the way in improvement by experiments on their own estates. Chief among them was Lord Kames, who worked like Cincinnatus on his own farm, and by precept as well as example pointed the way to more enlightened tillage of the soil[1].

The construction of works of public utility was another proof of the advancing prosperity of the country. Chief among these works was the Forth and Clyde Canal, originally suggested by Charles II from his observation of the canals in Holland. The undertaking, however, was far beyond the national resources in the 17th century; and it was not till past the middle of the 18th that the Board of Trustees for the Encouragement of Arts and Manufactures, seconded by the Convention of Royal Burghs, embarked on the scheme. A survey by the engineer Smeaton proved that the work was feasible; the sanction of Parliament was obtained; and between 1768 and 1790 the canal was completed at a cost of £300,000, contributed by subscribers who were reimbursed from the tonnage-dues. The deepening of the Clyde at Glasgow, considered a stupendous work at the time, the construction of the Tay Bridge at Perth at a cost of £26,000, and of the North and South Bridges in Edinburgh, are other proofs of the enterprise of the period. Of the improvement of roads following on the Turnpike Act of 1751 something has already been said; and that the improvement was general we have the testimony of such visitors as Wesley, Pennant, Dr Johnson, and Pococke—the last averring that the road from Edinburgh to Perth was "the finest turnpike road in Britain[2]."

[1] To Lord Kames' *Gentleman Farmer* his biographer Tytler ascribes considerable influence on the development of agriculture.—*Memoirs of the Life and Writings of Lord Kames*, II. 189.

[2] Pococke, *Tours in Scotland* (Scot. Hist. Soc.), p. 250.

While this rapid industrial expansion was proceeding in the Lowlands, the Highlands saw at once a transformation in the character of their inhabitants and an economic revolution. "There was perhaps," wrote Dr Johnson, "never any change of national manners so quick, so great, and so general, as that which has operated in the Highlands by the last conquest and the subsequent laws[1]." It was by the laws in far greater degree than by the conquest that the change in the "national manners" was effected. By these laws the former relations between chief and clan were made nugatory; and by a natural process the chiefs adapted themselves to the new conditions. From being chiefs they became landlords; and as landlords they became desirous of making the most of such lands as they owned. From almost unanimous testimony it appears that in the policy they followed they over-reached themselves and did serious wrong to the mass of the people. In Pennant's words, "they attempted to empty the bag before it was filled." By their absenteeism and the haste with which they raised their rents they produced a state of things which was to remain an unhappy inheritance. But it was from the introduction of sheep farms, generally managed by Lowlanders, that the most widespread mischief resulted to the people. Where one shepherd was sufficient to manage a farm, there was neither employment nor sustenance for the native population. Whole glens were dispeopled[2]; and then followed what Dr Johnson calls the "epidemic fury of emigration." Between 1763 and 1775, we are told, above 30,000 Highlanders left their homes for America, while large numbers swarmed into the Lowlands to pick up such a living as they could[3].

Such being the economical conditions produced by the action of the landlords, legislation could effect little towards the general amelioration of the Highland country. We have

[1] *Journey to the Western Islands in* 1773.
[2] Stewart, *op. cit.* I. 161.
[3] Knox, *A view of the British Empire*, p. 130.

seen that the trustees appointed under the Act annexing the forfeited estates to the Crown made praiseworthy attempts to encourage various industries; but the Highlander did not take readily to sedentary occupations. "A Highlander," says their countrywoman, Mrs Grant of Laggan, "never sits at ease at a loom; 'tis like putting a deer in the plough[1]." The restoration of the forfeited estates in 1782 was a step universally approved by Highlander and Lowlander; but it affected only a few of the estates, and accomplished little for the inhabitants at large. It could even be made a reproach that the Highlands were regarded "merely as a nursery for soldiers and seamen[2]"; and, when we learn that between 1740 and 1815 fifty battalions besides other troops were raised from the Highlands, we may infer that there was some ground for the reproach[3]. Towards the close of our period, however, a better day dawned for the unhappy country; in 1784 was founded the Highland Society, which eventually had for its objects at once the development of Highland industries and the preservation of the native language, poetry, and music. Started by the most enlightened Scotsmen of the time, the Society has performed services in Highlands and Lowlands alike which give it an honourable place in the national history[4].

III. The Church and Literature from 1746 to 1789.

The fresh start made in the material development of the country after the 'Forty-five coincided with a new departure in the sphere of religion. "President Forbes," says Ramsay of Ochtertyre, "died (1746) at a most critical juncture, when a new tide of opinions and manners was setting in strong[5]." The "new tide" manifested itself at once in speculative philo-

[1] *Letters from the Mountains*, I. 103.
[2] Knox, *op. cit.* pp. 132—3.
[3] Stewart, *op. cit.* II. 293.
[4] Stewart, *op. cit.* I. 226 et seq.
[5] Ramsay, *op. cit.* I. 64—5.

sophy, in theology and religion. In all times the Church has had to make terms with the world; and, to secure its own existence, it has had to assimilate and adapt to the best of its ability the dominant preoccupations of the age. At the period of which we are speaking there were influences at work in Scotland, partly peculiar to herself and partly due to a general European movement, which the Church of Scotland had for the first time to face. There was the industrial expansion, which was diverting the minds of the most energetic section of the community from the theological interests of their fathers, and disposing them to plant their feet more firmly in this world and to think less of the next. Above all there was widely prevalent among the educated classes that spirit of scepticism and enquiry which was the dominant characteristic of the leading thinkers of the age. "At that time," notes Ramsay, "Deism, apparelled sometimes in one fashion and sometimes in another, was making rapid progress in Scotland[1]"; and the statement is amply borne out by other testimony.

Out of the attempt to adjust the Church to these tendencies arose the religious party known as the Moderates, which during the latter half of the 18th century was to give its character to ecclesiastical policy. The name is peculiar to Scotland, but the spirit of Moderatism was that with which the world is familiar in the Bangorians or Latitudinarians in England and the "Enlightened" in Germany. If the party was to succeed in effecting an understanding with the world as it seemed to be going, it was necessary that it should have at once a creed, a standard of Christian conduct, and a policy; and it came to possess all three, inspired by the same intention and directed to the same end. The creed was not formally stated, and it left a wide latitude of opinion; but its specific characteristic was that, in contradistinction to the traditional theology, it laid emphasis on good works rather than on faith, and on the ethical teaching to be found in the Bible rather than on its

[1] Ramsay, *op. cit.* I. p. 60.

mysteries. This was its ideal; but, as in the case of other creeds, its individual professors adjusted it to the idiosyncrasies of their own minds and tempers. In some it amounted to mere "heathen morality[1]"; in others it was faintly "touched with emotion"—emotion, however, which had not its source in spiritual rapture, but in their own more or less sympathetic temperament. The standard of conduct expected of the professing Christian was equally removed from the tradition of the Covenants. The pleasures of life were not banned, and the member of the Church was to realise that he was also a member of society which had its own legitimate sphere and function. As for the policy of the Moderates, it was determined by their type of religion. That policy was simply to fill the Church with ministers who by their teaching and social qualities would commend religion to the classes whose adhesion it was the interest of a national church to secure. By what means the Moderate leaders sought to effect this end we shall presently see.

The salient characteristics of Moderatism are variously illustrated in three men, two of whom have a place in the ranks of eminent Scotsmen, while the third was one of the notable personalities of his day. The last, Dr Alexander Carlyle of Inveresk, has left an *Autobiography* in which Moderatism is presented in the extreme lengths it was prepared to go in its compromise with the world. It was he who preached what Hume called "heathen morality," and who, as he himself tells us, was considered by his parishioners to be "too full of levity and too much addicted to the company of his superiors[2]." A born man of society, it was the irony of circumstances that made him a Christian divine, with the charge of a rural congregation whose spiritual needs lay beyond his comprehension. Of a higher type was Dr Hugh Blair, one

[1] The expression which David Hume applied to a sermon of Carlyle of Inveresk, to which he had listened.—Carlyle, *Autobiography*, p. 277.

[2] *Ib.* p. 207.

of the ministers of the High Church, Edinburgh, and the most distinguished Scottish preacher of his day. As expressed in Blair's published Sermons, Moderatism appears in its best guise; and it is a tribute at once to his teaching and his eloquence that he found acceptance with such different persons as Dr Johnson, Jane Austen, George III and Madame Necker —an interesting proof that Moderatism in its highest expression appealed to some of the most serious minds of the time. It is, however, in Dr William Robertson, the historian, that we find the best representative of the religious party of which for twenty years he was the undisputed leader. No sermons of Robertson have been preserved[1]; and it is only as a church leader and a writer of secular history that he is known to us. As the head of his party, he displayed a power in debate combined with a tact and sagacity which would have given him a foremost place in any deliberative body. Yet, if we may judge from the motto—"vita sine literis mors est"—which he chose in early youth, and from the imposing list of his historical writings, literature and not religion was the main passion of his life. He entered the Church not from any special call to be a religious teacher, but because it was the profession that offered him the leisure and repose for the studies to which his predilections had destined him. That he should have done so is the judgment on Moderatism in its attitude to religion. Here we are far indeed from the *unum necessarium* which Christianity has exacted as an absolute condition from all who would call themselves by its name.

The last outstanding event mentioned in connection with the National Church was the casting out of the Erskines in 1740, and the consequent formation of the body known as the First Seceders. The first years in the life of this body were not

[1] He published only one sermon (addressed to the Society for Propagating Christian Knowledge).—Dugald Stewart, *Biographical Memoirs of Adam Smith, William Robertson and Thomas Reid* (Hamilton's ed.), pp. 108—9.

happy. In the years 1741 and 1742 the visits of Whitefield gave occasion to his denunciation by the Seceders as an irresponsible emissary of a gospel that knew not the Covenants. The scrupulous consciences of the Seceders even led to disaster within their own body. In 1746 a section of them demurred to the Burgher's Oath, which exacted an admission that the "true religion" was "presently professed within the realm"; and the result was a breach which gave rise to the Burghers and Anti-burghers—a breach that was not healed till 1820.

1740—1751

From the first Secession in 1740 to the close of the period now before us the history of the National Church is divisible into three epochs—each marked by a modification in ecclesiastical policy. Warned by the first schism in the Church, the party that supported the claims of patrons against those of the congregations pressed their policy "with comparatively a gentle hand till 1750 or 1751[1]." Yet, between 1739 and 1752, we are told, there were no fewer than fifty-three disputed settlements[2]. In many cases when ministers were forced on recalcitrant congregations, the military, with drum-beating and fife-playing, accompanied them to the church, the doors of which might be guarded by the indignant parishioners[3]. Of Thomas Reid, the philosopher, it is told that when he was "intruded" on the parish of New Machar (1737), he was ducked in a horsepond, and had to be protected by a drawn sword when he preached his first sermon.

1751—1766

In the year 1751, Carlyle of Inveresk tells us, "the foundation was laid for the restoration of the discipline of the Church[4]." For Carlyle and those associated with him the restoration of the Church's discipline

[1] Ramsay, *op. cit.* I. 256.

[2] Morran, *Annals of the Assembly*, I. 344.

[3] A lively account of the proceedings of these "riding committees," as they were called, is given by Galt in his *Annals of the Parish*.

[4] *Autobiography*, p. 244.

meant a due subordination of its different Courts, involving the supreme jurisdiction of the General Assembly in all matters under dispute. If lower Courts were permitted to defy the higher, there must be an end to all order and discipline. In the past many Presbyteries had refused to intrude ministers on unwilling congregations, and deliberately set at naught the orders of the Assembly. If the Church were to be saved from anarchy and disintegration, such disobedience must cease. As an essential part of this policy of the new party, the rights of patrons to presentation were to be rigidly enforced. As for the religious teaching of the Church, it must be such as would commend itself to those upper classes of society who had been alienated in large measure by the tenets of the traditional theology. Such was the programme of the "New Moderates," who for a time were to be the predominant party in the National Church, and who, like other religious parties, only reflected the prevailing tone and temper of the society in which they moved.

The new party was mainly composed of young ministers and lawyers, among whom Carlyle, Dr Robertson, and John Home, the author of *Douglas*, were conspicuous for their zeal; and it was characteristic of the time that it met in a tavern to concert its future measures[1]. Their first attempt to influence the Assembly was not encouraging: in the case of a disputed settlement brought before the Assembly in 1751 they were defeated by a majority of 200 against 11[2]. In the following year, however, they achieved a victory which assured the ascendency of their party, though it involved another disaster for the Church. It had happened that a Mr Richardson had been presented to the parish of Inverkeithing; but, as he was unacceptable to the great majority of the people, six members of the Presbytery of Dunfermline, in spite of the Assembly's order, refused to take part in his induction. By a majority of

[1] *Autobiography*, p. 246.
[2] Morran, *op. cit.* I. 212.

93 to 65 the Assembly resolved to depose one of the six; and, when the votes were taken as to which of them should be made an example, fifty-two were given against Thomas Gillespie, minister of Carnock—the remaining one hundred and two members of the House declining to record their votes. It was the new Moderates who had effected this result, but it was a result attended by another breach in the integrity of the Church: nine years later (1761) Gillespie and two other ministers founded what is known as the Relief Church, which remained a distinct body till in 1847 it joined with the earlier Secession to form the United Presbyterian Church.

The years following the deposition of Gillespie were the heyday of Moderatism. The causes of its ascendency are not far to seek—the chief cause, as we have seen, being that it reflected the tone of the educated opinion of the day. There were special circumstances, also, which effectually tended to increase its ranks. Of the existing livings in the Church nearly half were in the gift of the Crown—a circumstance which must have disposed young divines to look with favour on the Moderate view of the rights of patrons. And there was still another cause which strengthened the hands of the new party: the majority of the candidates for the ministry became tutors in the families of country gentlemen, whose views on patronage and other matters they would be predisposed to accept in their own future interests.

Yet, though Moderatism was thus in the ascendant, the popular party—the Highflyers or Wild Party their opponents styled them—were far from being extinguished. They had their support among the masses of the people who were interested in religion, and who craved a more devotional type of preaching than that supplied by the Moderates. The popular party, therefore, still made their voices heard in the Assembly, and not ineffectually. It was mainly at their instance that the sceptical writings of Lord Kames and David Hume were brought under discussion; and, though both sinners

escaped judgment, the Assembly put it on record that it was "filled with the deepest concern on account of the prevalence of infidelity and immorality[1]." Mainly, also, as the result of their urgency, the arch-Moderate Carlyle himself had to undergo the Assembly's rebuke. In the year 1756 the *literati* of Edinburgh, lay and clerical, were moved to patriotic enthusiasm by an unprecedented event. On the 14th of December of that year there was performed a play in the theatre in the Canongate—a play written by a Scotsman and a minister of the Church of Scotland. The play was the tragedy of *Douglas*; and its author was the Rev. John Home, minister of Athelstaneford in Midlothian. On the third night of the performance, Carlyle with a group of ladies took up a position in the theatre where all eyes could see him; and, as the result of his bravado, he was "libelled" by his own Presbytery. The Assembly sustained the libel, and, moreover, enjoined all Presbyteries to take heed that "none of the ministers of this church do, upon any occasion, attend the theatre[2]." It is an interesting commentary on this injunction that on the occasion of the visit of Mrs Siddons to Edinburgh in 1784 the Assembly had to adjust its business to the convenience of members desirous of seeing the great actress.

1766—1789

In the main questions at issue between the two Church parties the Moderates had vanquished their opponents: patrons had been secured in their rights, and Presbyteries had been taught obedience. But the victory had not been all to the advantage of the Church. Many of the people to whom religion was a prime concern resented their deprivation of the right of choosing their own ministers, and solved their scruples by joining the ranks of

[1] Morran, *op. cit.* II. 58.

[2] Carlyle, *op. cit.* pp. 310 et seq.; Morran, II. 129—130. It is interesting to recall, in this connection, that in 1758 Rousseau published his famous *Lettre sur les Spectacles*, in which he denounced the stage as a corrupter of manners.

the Seceders. By the year 1765 there were 120 meeting-houses, attended by more than 100,000 worshippers—to these dimensions dissent had grown since the Church had cast forth the "eight brethren" in 1740. It was an ominous outlook for the future of the Establishment; and the popular party seized the opportunity of pressing home what they alleged was the main cause of defection. In the Assembly which met in 1766 the question was raised whether an enquiry should be made regarding the causes of schism and the alleged evils of patronage. By a vote of 99 against 85 the enquiry was disallowed; but the narrowness of the majority proved that the reign of the Moderates would not continue undisputed. In the years that followed the great debate there were developments that brought increased strength to the popular party. The patrons of livings, now secure against popular revolt, began to exercise their privilege with a wantonness which excited the indignation even of Carlyle, who accuses them of presenting "the least capable, and commonly the least worthy of all the probationers in their neighbourhood[1]." In 1781 Dr Robertson resigned the leadership of the Moderates, partly owing to his advanced years, but partly, also, owing to the troubles which he saw ahead of the Church. For twenty years he had been the sagacious head of his party, and no one ever arose to fill his place. Four years after his resignation the popular party won a decisive triumph; in 1785 their leader, the Rev. Sir Henry Moncreiff Wellwood was chosen Moderator, and thereafter by his family connections, by his high character and ability, held the first position in the Church.

But, in truth, the hour of Moderatism was passing away. It had come to birth as the result of a general movement of European thought, and through a similar movement it was to come to an end. In 1781 appeared Kant's *Critique of Pure Reason*, which gave the deathblow to the rational philosophy of Wolf of which Moderatism was only a modified manifestation.

[1] Carlyle, *op. cit.* p. 528.

And another event was near at hand which was to effect a transformation in the ideals of humanity in all its interests: in religion, as in politics and speculative thought, the French Revolution was to awake chords in the human spirit beyond the compass of Scottish Moderatism.

It was neither her religion nor her industrial development that drew the attention of the world to Scotland during the latter half of the 18th century. In a sarcastic sentence Voltaire has indicated in what lay her significance for the other nations. "It is an admirable result of the progress of the human spirit," he wrote, "that at the present time it is from Scotland we receive rules of taste in all the arts—from the epic poem to gardening." The words were ironically meant, but they point to what was an indisputable fact—the remarkable intellectual activity of Scotland in every important sphere of thought, and her original contribution in each of them. Hume's *Treatise of Human Nature*, Reid's *Inquiry into the Human Mind*, Adam Smith's *Wealth of Nations*, the Histories of Robertson and Hume, Macpherson's *Ossian*, the scientific discoveries of Black, Leslie, Hutton, Cullen, and John Hunter all mark new points of departure in their respective spheres.

As we have seen, the first part of the century had prepared the way for the work of the second. Between 1720 and 1740 there was a play of mind in every department of thought which, if the necessary intelligence were forthcoming, naturally opened the way for original discovery. What is specially noteworthy of that earlier period is that the best that was then thought and known in Europe was familiar to the predecessors of the men who were to follow and to accomplish such great results. By 1740 there had already arisen the definite conception of a cultivated society, whose aims should be at once to advance thought and to make culture a national concern; and the second half of the century saw this ideal in great measure realised. In Aberdeen, Glasgow, and Edinburgh, with their universities as centres, there were groups of strenuous workers

to which there was hardly a parallel in any other country and certainly not in England. Nor was mental cultivation restricted to these centres. It had been the custom—a custom which ceased in the latter part of the century—for "every Scots gentleman of £300 a year" to travel abroad for two or three years before settling down to the duties of his position[1]. Thus all over the country there were educated persons who welcomed every novelty in literature or speculation. Even in the Hebrides, Dr Johnson tells us, he never entered a house in which he did not find books in more languages than one. "Literature," he sententiously adds, "is not neglected by the higher ranks of the Hebrideans."

It is only as bearing on the national development that we are here concerned with literature and speculative thought; and in the case of both, as it happens, there are certain broad characteristics which throw a vivid light on the deeper life and thought of the period. In 1739 appeared Hume's *Treatise of Human Nature*, which, though it "fell deadborn from the press," was to become "the chief factor in shaping European thought[2]." The logical outcome of the Treatise has been described as "intellectual suicide"—a strange conclusion, as might appear, to have been reached in Scotland, which for nearly two centuries had been the peculiar home of dogmatic assertion on ultimate questions. Yet there is concurrent testimony that Hume only systematised and gave precision to modes of thinking which widely prevailed in Scotland during the greater part of the 18th century. From about 1720 onward, metaphysical speculation had taken the place of political and theological controversies; and we have seen that, to the horror of men like Wodrow, speculation had virtually assumed the form of universal doubt. But it is in the period of the century that followed the publication of the Treatise that we find the

[1] Henry Mackenzie, *An Account of the Life and Writings of John Home, Esq.*, p. 29.

[2] Campbell Fraser, *Thomas Reid* (Famous Scots Series), p. 36.

spirit of all-questioning scepticism in the fullest working—doubtless partly due to Hume's conclusions[1]. The testimony is convincing that during that period the prevailing type of thought, most strongly marked in Edinburgh, was a pagan naturalism for which Christianity was a temporary aberration of the human mind. The fashionable mental attitude received curious illustration on the publication (1770) of Beattie's *Essay on Truth*, expressly written to combat the positions of Hume. No Edinburgh publisher would venture, in view of the prevailing philosophic opinions, to give it to the world; and it was only by a "pious fraud" that it issued from an Edinburgh press[2]. "Absolute dogmatic atheism is the present tone," Dr John Gregory, Professor of the Practice of Physic, wrote to Beattie from Edinburgh in 1766[3]. In England there was a general impression that Scotland was given up to infidelity; and in that country Beattie's *Essay* was received with greater enthusiasm than in his own. In the House of Commons, Thomas Townshend, afterwards Viscount Sydney, made encomiastic reference to the book, and took the opportunity to say that "the Scots were not all freethinkers[4]."

Beattie's *Essay* made far greater noise in the world, as a successful refutation of Hume, than another rejoinder addressed to the same end and of more permanent value. In 1764 Thomas Reid had published his *Enquiry into the Human Mind on the Principles of Common Sense*, in answer to Hume, and had founded what is specifically known as the "Scottish Philosophy," which till near the middle of the 19th century continued to influence the speculative thought of Europe.

[1] Writing about 1819, J. Gibson Lockhart says: "Whatever may be his (Hume's) future fate, this much is certain—that the general principles of his philosophy still continue to exert a mighty influence over by far the greatest part of the literary men of his country."—*Peter's Letters to his Kinsfolk*, I. 86.

[2] M. Forbes, *Beattie and his friends* (1904), p. 45.

[3] *Ib.* p. 30.

[4] *Ib.* p. 77.

Reid, and not Hume, is to be considered the typical representative of Scottish thought on all ultimate questions; it is, therefore, interesting to note what were its tendencies that appealed to the thinkers of other countries.

In a characteristic passage Goethe has told us in what for him and the rest of the world lay the value of the Scottish philosophy. "The reason," he says, "why foreigners—Britons, Americans, Frenchmen, and Italians—can gain no profit from our new (German) philosophy is simply that it does not directly lay hold on life. They can see no practical advantages to be derived from it, and so it is that men turn more or less to the teaching of the Scottish school as it is expounded by Reid and Stewart. This teaching is intelligible to the ordinary understanding, and this it is that wins it favour. It seeks to reconcile sensationalism and spiritualism, to effect the union of the real and the ideal, and thus to create a more satisfactory foundation for human thought and action. The fact that it undertakes this work and promises to accomplish it, obtains for it disciples and votaries[1]."

In France, as is well known, the Scottish philosophy found wider acceptance than in Germany, prolific in systems of its own, and through the expositions of Royer-Collard, Jouffroy and Victor Cousin became a potent influence in forming French speculative opinion in the first half of the 19th century. What is specially interesting, however, as illustrating the essential import of the Scottish teaching is the fact that Reid's *Enquiry* was confidently used as a text-book of philosophy in Catholic schools. In the Séminaire d'Issy, Renan tells us, he was reared on "le bon Thomas Reid," who was "a philosopher and a minister of the Gospel." "Reid," his teacher in philosophy assured him, "soothes and consoles, and leads to Christianity[2]."

In literature, as well as in speculative thought, Scotland

[1] Goethe, *Werke* (ed. Heinemann), XXVI. 445.

[2] Renan, *Souvenirs d'Enfance.*

may claim to have been an initiator in more branches than one. In the earlier half of the century, Thomson's *Seasons* had freshened the sources of poetry in England, France, and Germany; but of far more resounding fame and more quickening effect was Macpherson's *Ossian* (1762—3), which struck a note that vibrated throughout Europe for half a century and did more than any other intellectual product to draw the general gaze to the country that gave it birth. In the department of history, Hume and Robertson each produced composite wholes such as had not previously appeared in any modern literature—Hume's being perhaps the acutest intellect ever applied to the events of history, while Robertson's practical sagacity and width of survey have rarely been surpassed. In the new science of political economy, Adam Smith produced what remains the central work in its own field, and one which by the skill of its exposition has the further distinction of being a work of literature. The productions just named are epoch-making in their respective subjects; but, as Voltaire's ironical words imply, many books were written, which, though they did not attain to this distinction, yet exercised a wide influence in their day. What specially strikes us is the number of Scottish books of the period that were translated into the continental languages. The works of Lord Kames, the Sermons of Hugh Blair, Beattie's *Essay on Truth*, all made the tour of Europe—significant evidence of the amount of truth that lay behind Voltaire's sarcasm.

If Scotsmen were initiators in literature and philosophy, they were equally pioneers in the field of physical science. The names of Cullen and John Hunter in pathology, of Black (a Scoto-Irishman) and Leslie in chemistry, of Hutton in geology, and of Watt in engineering, are landmarks in the history of these respective departments. In view of her various achievements in so many fields, therefore, it can hardly be gainsaid that the latter half of the 18th century was for Scotland "the period of her most energetic, peculiar, and most various life."

CHAPTER IX.

GEORGE III, 1760—1820.

The Dundas Despotism and the French Revolution, 1789—1806.

With the year 1789 Scotland, like other European countries, entered a new phase of her national life. During the period that succeeded the Rising of 1745 the most strenuous part of her people had been mainly occupied in developing the natural resources of the country. Political life was hardly existent; there was no general interest in principles of government and as little interest in great social problems. During the 17th century ecclesiastical and theological struggles had kept the nation alive to public questions; and, during the first half of the 18th, the possibility of a Stewart restoration exercised a certain quickening influence. When that danger passed, the disposition became general to accept existing political conditions which were nominally those of a free constitution. True, the representatives of the country were elected by a few thousands out of a population of a million and a half; but at no time had it been otherwise, for during the 17th century the members of the Scottish Parliament had for the most part been the nominees of whatever power was in ascendency. At a great political meeting held in 1782, a Scottish member expressed what was probably the general opinion among all classes. "As that man," he said, "was esteemed the best sportsman that brought down the most

birds, so was he the best representative that brought the best pensions and places to his countrymen[1]." In the years immediately preceding 1789, indeed, there were indications of an awakening to public questions and the responsibilities of public men. The question of burgh reform had been raised, and the state of the electorate was beginning to attract critical attention; but it was the shock of a European event that was to be the main cause of a general awakening to political life.

In his "Elegy on the year 1788" Burns utters a prayer that 1789 would repeat or better the example of its predecessor. Neither Burns nor anyone else dreamt that the new year was to make an epoch in human history. On the 5th of May the States-General of France met, and in the course of a few months overthrew the existing constitution and made its momentous Declaration of the Rights of Man. At first these events gave rise to suspense rather than alarm in the majority of all classes both in England and Scotland. For a time at least a rival power, which not many years before had been an open enemy, would be rendered innocuous by the cataclysm which had befallen it. A few enthusiastic spirits hailed the downfall of feudal France as the breaking of a new dawn for humanity; and this opinion was shared by some whose temperament did not incline them to look with favour on revolution. Reid, the most cautious of thinkers, was so well pleased with the action of the French National Assembly that he remitted a sum of money in support of its cause; the equally cautious Dr Robertson, the leader of the Moderates, took a similar view and spoke of Burke's *Reflections*, which appeared in the following year, as mere "ravings"; and Dr Adam, the revered principal of the High

1789

[1] Benger, *Memoirs of Mrs E. Hamilton*, 1. 89. See the *Caledonian Mercury* of June 4, 1782. On another occasion a Member of Parliament was requested by his constituents to vote against a certain bill; his reply was: "No, I bought you, and am determined to sell you"; *Caledonian Mercury*, Nov. 16, 1782.

School, Edinburgh, lost for a time the respect of his pupils (as Scott, who was one of them, informs us) by his open commendation of the new political principles which had been announced to the world by the doings in France.

1790 In the following year began that cleavage in European opinion regarding the French Revolution which exists to the present day, and of which Burke's *Reflections* was the dividing sword. Henceforward, in every country, two parties were arrayed face to face; and the division between them touched the foundations of society. In Scotland, as elsewhere, the struggle between the two parties was internecine. "Everything," says Lord Cockburn, "rung and was connected with the Revolution in France; which for above twenty years was, or was made, the all in all. Everything, not this or that thing, but literally everything, was soaked in this one event[1]." This obsession of the Revolution was not due to the fact that any large and important body of the Scottish people embraced its principles, but to a vague terror of the governing classes in general lest the portentous drama enacted in France should be repeated at home. As with culminating fury act followed act in the frenzied nation, this terror became a nightmare and created a policy which in the end could only defeat itself.

The practical question, apart from the dreams of revolutionaries, which the Government had to face in Scotland was whether the existing state of the burghs and the electorate was to continue or not. The two men on whom devolved the responsibility of settling it were Henry Dundas, who was appointed Home Secretary under Pitt in June, 1791, and his nephew, Robert Dundas, who had been made Lord Advocate in 1789—an office which he held till 1801. Their position was one fitted to try their public virtue; reform in the burghs

[1] *Memorials of his own Time*, p. 70. Interesting references to the divisive effect of Burke's *Reflections* will be found in the *Caledonian Mercury* of Sept. 30, 1792, and in the *Moniteur* of Oct. 22, 1792.

and reform in Parliamentary representation would involve the end of that family influence which since 1783 had made Henry Dundas the "King of Scotland[1]." But in the fortunes of Dundas were involved the interests of the overwhelming majority of persons in the Church, in the Law, in public offices, and among the landed proprietary. Strong in this support, Dundas never hesitated in his policy: the existing state of things must be maintained, and reform averted by all the means at his disposal. Yet he keenly felt the difficulties of his position. In 1789 Grenville offered him the Presidency of the Court of Session—a post which two of his family had previously held. He replied that the office had been "the ultimate object" of his ambition, but that in the existing circumstances of the country he could not with honour accept it. "It is unnecessary to enter into the reasons," he wrote; "but it is a truth that a variety of circumstances happen to concur in my person to render me a cement of political strength to the present Administration, which, if once dissolved, would produce very ruinous effects. I feel and state this to you with infinite regret, for I do not see a speedy remedy for it; and the situation to me grows every day, as I advance in years, more irksome and disagreeable, and, in truth, takes from me every comfort and enjoyment I have while in Scotland[2]."

It was in 1792 that the issue was joined between the Government and the whole party of reform with its divergent aims. At the end of March of that year was founded the "Society of the Friends of the People," consisting of about fifty members, with strictly constitutional aims. Sir James Mackintosh, whose *Vindiciae Gallicae*, a counter-blast to Burke's *Reflections*, had appeared in the same year, was its Secretary; among its members were Lord John Russell, 1792

[1] He was jocularly known as "Harry the ninth."

[2] The Manuscripts of J. B. Fortescue, Esq., *Hist. MSS. Com.*, Thirteenth Report, Appendix, Part III., 1892, p. 534.

Sheridan, Thomas (afterwards Lord Chancellor) Erskine, and Lord Lauderdale, the only Scottish peer who was on the side of the people. Branches of the Society were speedily formed all over England and Scotland; and in many of them its constitutional aims were forgotten and wild doctrines preached[1]. As it happened, the year 1792 in Scotland was a disastrous one; in many parts of the kingdom fuel and provisions were so scarce and dear that the poor were driven to despair. The new doctrines of liberty, therefore, found a ready soil; and it was difficult to decide whether active sedition or the pressure of want prompted the wide-spread discontent and the frequent disturbances both in town and country. On the night of the 4th of June, the King's birthday, a riot broke out in Edinburgh which was repeated on three consecutive days. In this case the violence of the populace was attributed to local causes and especially to dislike of the military, who had been held in odium since the Porteous Mob. Elsewhere, however, there were tumults which had their origin in revolutionary excitement. Dundee was especially turbulent; a tree of liberty was set up in the town; and the boys in the streets were taught to shout "liberty and equality." Perth was reported to be "a very dangerous place"; in Fife the emissaries of the societies were "very active"; and in Glasgow and the West generally the numbers of the "Reformers" were estimated at 40,000 or 50,000. On December 11 a General Convention of the Friends of the People in Scotland met at Edinburgh, with the object of settling their future programme; but the proceedings showed how little unanimity prevailed among the members. One member proposed that they should

[1] In Scotland the shires of Renfrew, Fife, Perth, and Forfar were especially prolific of revolutionary societies. The general state of opinion with regard to the French Revolution is indicated by the ministers who contributed the accounts of their parishes to the *Statistical Account* of Scotland (begun in 1791). Its other evidence proves, however, their accounts minimise the unrest of the time.

take "the French oath to be free or die"; but by the more moderate this was regarded as an "indiscretion." On one object, however, there seems to have been general agreement —that every man who had reached the age of twenty-one should have a Parliamentary vote[1].

The two years that followed the Edinburgh Convention count among the black years of the national history. On January 21, 1793, Louis XVI was executed[2]; and France soon afterwards declared war against England and Holland. In the course of the same year the Reign of Terror began, the Catholic religion was abolished, and the Feast of Reason celebrated. To the horror excited by these events, we must attribute in large measure the state of opinion in Scotland which made possible the prostitution of justice which now disgraced the administration of the law. As the private letters of the time abundantly show, the proceedings of the revolutionary societies throughout the United Kingdom created a genuine dread of a revolt of the people such as was convulsing France. It was with the full approval of the upper classes, therefore, that the Government took steps to arraign certain of the most prominent among the leaders of the Friends of the People. The first person selected in Scotland was Thomas Muir, a young advocate, who had been a delegate in the Edinburgh Convention, and who by word and deed was an indefatigable champion of reform. The details of his trial and of those that followed belong to legal history; and we are concerned with them only so far as they illustrate the state of feeling in the country. Muir was brought to trial in August, 1793; and the entire proceedings connected with it

1793

[1] These details are mainly taken from a Memorandum in the Public Record Office drawn up in 1792 for the information of Henry Dundas. I have to thank Mr W. L. Mathieson for the sight of this document, which he had transcribed for his own use. See also *Reports of the Committee of Secrecy of the House of Commons*, Edin. 1794 (Signet Lib. Pamphlets, No. II.).

[2] A play entitled "The Last Days and Execution of Louis XVI" was acted at Musselburgh.

may be described as a travesty of justice. His case was prejudiced by the very atmosphere of the Court, for almost to a man the members of the Bar shared the panic of the classes. The jury that tried him was deliberately packed; and the presiding judge, the notorious Lord Justice Clerk Braxfield, sank his office into that of the prosecutor of the accused. "Come awa, Maister Horner, come awa," he said to one of the jurors as he entered the box, "and help us to hang ane o' thae daamned scoondrels[1]." Found guilty of sedition, Muir was sentenced to transportation for fourteen years—a monstrous sentence for which the Court was responsible[2]. The following month (September) another "Reformer" the Rev. Thomas Fyshe Palmer, was brought to trial at Perth before the Circuit Court of Justiciary. Palmer was an Englishman, who had settled in Dundee as a Unitarian preacher. Like Muir, he had been present at the Edinburgh Convention, and taken a prominent part in the proceedings of the Friends of the People. Proved to have been responsible for what was held to be a seditious address to the people, he was sentenced to seven years' transportation, and sent to join Muir in Newgate.

1793—1794

The sentences of Muir and Palmer did not deter others from following their example. On Oct. 28 a third General Convention of the Scottish Friends of the People met in Edinburgh, mainly to protest against the rumoured intention of the Government to suspend the Habeas Corpus Act in England and the analogous Act of 1701 in Scotland. Joined by delegates from England, this Convention reassembled on November 19, and assumed the significant title of "The British Convention of Delegates

[1] Cockburn, *Memorials*, p. 102. "Hang," Cockburn notes, was Braxfield's phrase for all kinds of punishment.

[2] Jeffrey and Samuel Romilly were present at Muir's trial and were equally horrified at the manner in which it was conducted. Cockburn notes that it was never the practice in England to punish sedition with transportation.—*Memorials*, p. 88.

associated to obtain Universal Suffrage and Annual Parliaments." Having passed the protest, it was dissolved by force on December 5; when three delegates—Joseph Gerrald and Maurice Margarot, both Englishmen, and William Skirving, secretary of the society—were arrested and committed for trial. The trials came on in January and March, 1794, amid excitement intensified by events at home and abroad. The latest news from France told of the British repulse at Dunkirk, the expulsion of the Austrians and Prussians from French territory, and the capture of Toulon by Bonaparte. Throughout the United Kingdom, moreover, the wilder spirits among the Reformers were as active as ever, in spite of the efforts of the Government to suppress the various societies. The sentence pronounced on all three prisoners was transportation for fourteen years—another proof of the harsh injustice of the Scottish Bench, since some months later English juries refused to convict Horne Tooke, Thomas Hardy, and John Thelwall, who were tried on similar charges[1].

Later in the year 1794, the public excitement was raised to the highest pitch through a discovery made by the Government. By means of its spies, who were everywhere, it received information of a desperate plot, the object of which was to organise a general rising in Edinburgh, to seize the Castle and the Banks, and to secure the persons of the judges. Two of the ringleaders, Thomas Downie and Robert Watt, formerly a spy in the service of the Government, were arrested and brought to trial on a charge of high treason. As in 1709 the English Treason Law had been

1794

[1] In Beattie's *Life* of Campbell the poet there is a striking account of the impression made on the Court by the eloquence of Gerrald. The trial, at which Campbell was present, was an epoch in his life.—Vol. I. pp. 85—109. 100,000 copies of Margarot's indictment were published. On the day of his trial he was conducted in triumph—his coach being drawn by the people. A canopy bore the inscription, "Reason, Liberty, and Equality."—*Scottish Register*, I. 146.

substituted for that of Scotland, cases of treason had to be tried before a commission of Oyer and Terminer. Both of the accused were sentenced to death, but Downie received a reprieve—"a matter of general regret," wrote Walter Scott, who had come from Kelso to be present at the trial[1].

1795

The public tremors did not cease with the examples made of Watt and Downie; but from the year 1795 we may date the beginning of a calmer temper both in England and Scotland. The madness of the French Revolution was now past; and the war which France had declared against its various enemies concentrated the public mind on a definite issue. But it was the overstrained action of the home Government that most directly tended to favour reaction. On October 29 the King, on his way to open Parliament, was surrounded by a wild mob clamouring "Peace, Peace! No War! Give us bread and no Pitt!" The Government regarded this explosion as the direct work of revolutionaries, and passed two Acts at once violent and futile. By the one, the Treason Act, the mere writing or speaking against the King's authority was declared to be treason; and by the other, the Sedition Act, all political meetings were prohibited unless advertised beforehand, powers being given to any two Justices to disperse a meeting if they deemed it to be dangerous. In England the public hostility to both Acts was so great that it was found impossible to enforce them; in Scotland, under the *régime* of Dundas, public opinion did not exist, but there, also, action was taken which was to lead to important results.

1795—1796

On November 28, 1795, while the two bills were still under the consideration of Parliament, a public meeting was held in an Edinburgh tavern to protest against their being made law. Resolutions were passed to that effect; and a committee was appointed to further the objects of the meeting. Among those who consented to act on the committee

[1] Scott was of opinion that the plot "might from its very desperate and improbable nature have had no small chance of succeeding."

was Henry Erskine, son of the Earl of Buchan, and the most brilliant advocate at the Scottish Bar. Born in 1746, Henry, like his brother Thomas, afterwards Lord Chancellor of England, had identified himself from the first with the party of moderate reform. He had been Lord Advocate under the short-lived Coalition Government; and in 1785, though his political opinions were detested by the great bulk of his colleagues, his social gifts and his attractive personal character had secured him the coveted position of Dean of the Faculty of Advocates. In taking part in a meeting adverse to the Government, however, Erskine had, in the eyes of the great majority of his professional brethren, cast a slur on their loyalty and compromised the office of Dean. By a vote of one hundred and thirty-three against thirty-eight, therefore, the advocates deposed their erring brother (January, 1796)—a proceeding which has never since been repeated, and which was possible only at a time when politics destroyed the mutual consideration which is the bond of human society.

The deposition of Erskine from the Deanship marks a turning-point in the history of political parties in Scotland. We have seen that before the outbreak of the French Revolution the question of burgh reform had been decisively raised and, at the instance of delegates from the Scottish burghs, been vigorously taken in hand by Sheridan and others. Even before the explosion in France, however, Dundas had resolutely set his face against reform; but, after that event, reform alike in the burghs and in parliamentary representation was regarded by Dundas and three-fourths[1] of the people of Scotland as a letting-in of the waters which would inevitably result in a deluge. Constitutional reformers and the wildest revolutionaries were classed under a common designation, and their aims confounded as an equal menace against the Constitution. Yet there were a few men of mark who were convinced that for the security of the Constitution itself some measure of reform was

[1] This is the estimate of Lord Cockburn.—*Memorials*, p. 71.

imperative, and that the time had passed when a kingdom could be treated like "a village at a great man's gate." Such were Henry Erskine, Archibald Fletcher, the ardent champion of burgh reform, Sir Henry Moncreiff Wellwood, the leader of the popular party in the Church, Professors Dugald Stewart and Playfair, the Rev. James Grahame, author of *The Sabbath*, and Malcolm Laing, the historian. But the actual work of reform devolved on a few of the younger advocates, of whom Francis Jeffrey was afterwards to be the most distinguished.

Throughout the 18th century it was the men at the Scottish Bar who had taken the most prominent part in public affairs; but, as the great majority of them were connected with the landed families, their politics were those of Dundas, in whose hands their professional interests lay. When men like Jeffrey took up the cause of reform, it was therefore at the risk of blasting their career and of social ostracism. "The prospects of no young man," writes Lord Cockburn, "could be more apparently hopeless than of him who, with the known and fatal taint of a taste for popular politics, entered our Bar." "There being no juries in civil cases," says Mrs Fletcher, the wife of Archibald Fletcher, "it was supposed that the judges would not decide in favour of any litigant who employed Whig lawyers[1]." And she adds: "We were often at that time reduced to our last guinea." It was amid these conditions of the time that Erskine had been deposed from the Deanship, but his removal had a result very different from what was intended. It concentrated the action of the knot of young advocates who shared his opinions; and thereafter there was a recognised party, small in numbers, but composed of the rising talent of the Bar, with a definite programme of parliamentary and burgh reform. Several years were to elapse before their opportunity came; in the meantime their task was to point the way to the masses of their countrymen and educate them to higher conceptions of corporate responsibility.

[1] *Autobiography*, p. 66.

There are few events to record of the last years of the Dundas Administration. The revolutionary terror was gradually abating, but it was still the determining motive in the minds of the upper classes. When Mrs Fletcher settled in Edinburgh, as the wife of a prominent Whig, she was suspected of carrying a dagger under her cloak, and of practising the use of the guillotine[1]. When she attempted to found a Female Benefit Society, the first attempt of the kind in Scotland, the Sheriff-Depute and the magistrates vehemently refused the necessary warrant on the ground that it was a dangerous innovation. When about the year 1799 an effort was made to establish Sabbath Schools, the General Assembly opposed them as possible hot-beds of sedition[2]. To the year 1798 belongs another State Trial—that of George Mealmaker, originally a Dundee weaver. Like the majority of his trade, he was an active member of the secret Society of United Scotsmen; and, as he was a man of ability, he had played a leading part. Accused of taking and giving the oath of a secret society, and of issuing inflammatory pamphlets[3], he was brought before the High Court of Justiciary; and, the jury unanimously finding him guilty, he was sentenced to fourteen years' transportation—a sentence which would have been impossible had the case been tried by an English jury. 1798—1799

In the years immediately preceding the fall of Dundas, however, a new terror possessed the public mind. "Instead of Jacobinism, invasion became the word." The uneasiness had begun in 1793 when France declared war against Britain; and the advent of Napoleon had intensified the disquiet. As Scotland had been refused a militia, it was mainly on volunteers

[1] *Autobiography*, pp. 70, 86.

[2] In Kay's *Portraits* (II. 356) there is a humorous representation of the Rev. Dr Moodie dispersing a Sabbath School.

[3] Mealmaker was the author of the pamphlet for the publication of which Palmer had been transported.—*Ib.* I. 309.

that she would have to depend for her defence; and the response that was made afforded sufficient evidence that the country was not given over to Jacobinism. Even Burns, whose sympathies were republican, in his verses, entitled "Does haughty Gaul invasion threat?" (1795), showed that he remembered Wallace and Bruce, though in the same breath he proclaims that the "people" are to be thought of not less than the "King." On the other hand, it was with undivided sympathies that Scott showed himself the most enthusiastic of his countrymen in organising the means of national defence. According to his biographer, it was he who had the credit of originating the volunteer light cavalry in imitation of the London Light Horse; and as an officer in his own corps he both fed his fancy and indefatigably discharged his duties. It was in 1803, when war was again declared against France, that the military enthusiasm reached its height. Then "Edinburgh, like every other place, became a camp, and continued so till the peace in 1814[1]." Lawyers, professors, doctors, all assumed arms and donned warlike habiliments—the man who did not present himself for service being regarded as of doubtful loyalty.

1799—1802

To the same closing years of the Dundas ascendency belong three measures—two of which, at least, were urgently called for. One effected the complete emancipation of the colliers (1799)—a result which had been imperfectly accomplished by the Act of 1775[2]—and another gave Scotland a Militia (1802), which had been steadily refused till this time, but which the menace of invasion now made imperative[3]. The third measure was one which had also been long demanded and as persistently refused. So far back as 1748—9, ministers and schoolmasters had craved an increase of their stipends; but, mainly owing to the opposition of the leading proprietors, their supplication had been rejected. The ministers had still some years to wait for

[1] Cockburn, *Memorials*, p. 164.

[2] 39 Geo. III. c. 39.

[3] 42 Geo. III. c. 91.

their favour; but in 1803 the schoolmasters received a modest addition to their incomes. By an Act of that year it was ordained that their existing maximum salary of 200 marks should be raised to 300 marks (about £16) as a minimum and 400 marks as a maximum; that they should possess a house of "not more than two apartments including the kitchen"; and that attached to it there should be "at least one-fourth of a Scotch acre[1]." The liberality was not excessive, yet it excited the general indignation of the lairds, who did not feel it their duty to "erect palaces for dominies."

The ascendency of Dundas had begun in 1783, and it was never more despotic than in the opening years of the 19th century. At the general election of 1802, when Addington made his appeal to the country, forty-three out of the forty-five members returned for Scotland were Dundas's nominees. Yet it was in this very year that there went up a "pillar of fire[2]" which was a portent that the country was entering on a new era. On the 10th of October appeared the first number of the *Edinburgh Review*. "The effect," writes Lord Cockburn, "was electrical.....It is impossible for those who did not live at the time, and in the heart of the scene, to feel, or almost to understand, the impression made by the new luminary, or the anxieties with which its motions were observed[3]." The Review could not, indeed, have been started under happier auspices. There was a numerous public, both in England and in Scotland, prepared to accept it as an interpreter of their opinions on all the topics that were then exercising men's minds; and its four chief founders and contributors— Sydney Smith, Jeffrey, Brougham and Francis Horner —made a galaxy of talent such as is rarely found with such community of aim and variety of accomplishment. The quality of the first number carried general conviction that a new and

1802

[1] 43 Geo. III. c. 54.

[2] The expression is Cockburn's.

[3] Cockburn, *Life of Jeffrey*, I. 131.

potent force had arisen, which would have to be reckoned with in the future. Its subjects ranged over literature, philosophy, politics, and economics; and all were handled with a lightness and audacity which were to be the characteristics of the contributors throughout and were specially adapted to the generation to which they appealed. Thus out of the very citadel of Toryism had issued the publication that beyond any other organ was to voice the opinions of the political party whose triumph lay not far ahead.

1805

The appearance of the *Edinburgh Review* was symptomatic of the breaking up of the old order, and three years later happened the event which involved a new departure in the national life. In February, 1805, came the news that Henry Dundas, now Lord Melville, had been impeached for peculation in his capacity as Treasurer of the Navy. "People could scarcely believe their senses[1]." That he whom they had deemed omnipotent should be arraigned like a common criminal appeared like an interruption in the course of nature. The impeachment implied the end of the system of government in Scotland of which he had been the most remarkable representative; for, though after his acquittal he reappeared for a time in public life and his death did not occur till 1811, his broken health and his discredited reputation made his former ascendency impossible. "I have seen," wrote Scott in March, 1806, "when the streets of Edinburgh were thought by the inhabitants almost too vulgar for Lord Melville to walk upon; and now I fear that, with his power and influence gone, his presence would be accounted by many, from whom he had deserved other thoughts, an embarrassment if not something worse[2]."

[1] Cockburn, *Memorials*, p. 217.

[2] Dugald Stewart, an ardent Whig, wrote as follows to Francis Horner on Dundas's impeachment: "I trust it [the impeachment] will terminate in a manner so decisive as to close for ever his political career—an event which I consider as synonymous with the emancipation and salvation of Scotland."—*Memoir* by Professor Veitch, p. cxxxviii.

A towering monument in the capital of Scotland commemorates Melville's name; and its imposing dimensions are justified by the place he filled in the minds of his fellow-countrymen for more than a quarter of a century. It may be said in simple truth that no Scottish King, nor even Cromwell, had the Scottish nation so completely in his hand as he. Yet it is to be remembered that he did not invent the system which made his omnipotence possible. It dates from the reign of James VI, under whose rule members of Parliament, magistrates, and office-holders of every rank were made dependent on the Crown. Charles I, while his authority remained, followed the same policy; so did the Covenanters during their brief ascendency; and so did Charles II and James VII. Subsequent to the Union of 1707 the same system continued; and we have seen how in the first half of the 18th century Lord Islay was "King of Scotland" by the same means as Dundas—the uncontrolled exercise of patronage. During Islay's sway, however, his influence was contested by an active party, which did not exist under the rule of Dundas. That there was no such party to oppose Dundas was mainly due to the fact that the dread aroused by the French Revolution drove the influential classes to cling with desperation to the existing system which preserved their exclusive privileges. But, if Dundas was the master of the system which placed him where he was, he was at the same time its servant. Had he seriously proposed any drastic reform either in the burghs or in parliamentary representation, his kingship would not have been of long endurance. A few landed proprietors and a few men of the law might have followed his leading, but the great majority of those who possessed influence in the country would have refused to accept a policy which would have taken that influence out of their hands.

During the last decade of the 18th century the history of the National Church has not the intrinsic interest which it possessed in the preceding period. During that earlier period

Moderatism had made its attempt to adjust the Church's teaching and government to the society in which it then found itself. With this object it had succeeded in establishing the claims of patrons over the claims of congregations, but with results which had displeased even the arch-Moderate Carlyle. Patrons, secure in their privilege, had begun to use it in a manner that was not in the interests of the Church. Moderatism had, in truth, failed to accomplish what was avowedly its principal aim—to attract the educated classes to its fold, and to secure a body of ministers who by birth, breeding, and training should raise the social standard of their profession. It is Carlyle's sorrowful admission that his expectations had been wofully disappointed. The most respected landlords ceased to attend the General Assembly; and their places were taken by inferior men. The most enlightened of the Moderate party, disgusted with the indifference of the laity and the indifference of the Government, no longer took an interest in the business of the Church. Young men of low birth and mean education had discovered that the readiest means of securing a living was to pay court to the voter; and with such men the Church was being filled. The natural result was that the "wild party" was gradually gaining ground.

Such, according to Carlyle, were the tendencies in the Church in the years following Dr Robertson's resignation of the leadership in 1781. But, when the hour of the French Revolution struck, the day of Moderatism passed, for the new temper then awakened was of another nature from that which had animated even the highest type of Moderates such as Hugh Blair and Robertson. The religious developments in Scotland during the closing years of the 18th century significantly indicate their direct connection with the uprising in France—a fact which was clearly apprehended by the Moderate leaders in the Church. One of the religious novelties of the period was itinerant lay preaching, of which the brothers Robert and James Haldane were the most ardent apostles; and the

former left it on record "that he was raised from the sleep of spiritual death by the excitement of the French Revolution." It was with a sure instinct, therefore, that the Moderate leaders persistently associated the work of the two brothers with the ferment in France, though both indignantly disclaimed the political principles which France had proclaimed. So we have seen the Church put its ban on Sabbath Schools as possible agencies of sedition[1]; and similarly, in 1796, the General Assembly by a vote of fifty-eight to forty-four expressed its disapproval of missions to the heathen, as being examples of unreasoning zeal[2]. Doubtless, also, it was partly owing to their dread of revolutionary principles that the ministers of the Moderate party took up the position they did in an affair which created much commotion in its day, and which marks a turning-point in the history of the National Church. In 1805, the year of Melville's impeachment, the Chair of Mathematics in the University of Edinburgh fell vacant, and two candidates presented themselves for the post. The one was John Leslie, distinguished for his discoveries in heat; the other, an Edinburgh minister, the Rev. Dr Thomas Macknight. In the scientific world there was no doubt as to which candidate had the pre-eminent claim, as Leslie's discoveries had made his name famous. But Leslie was accused of free-thinking; and free-thinking was then associated with revolutionary principles and questionable enthusiasms. By a strange reversal of parts the Moderate party gave its strenuous support to the orthodox candidate, while the popular party as strenuously urged the

[1] This was also Bishop Horsley's opinion. On the other hand, the free-thinker, Adam Smith, wrote (1787) strongly in favour of Sunday Schools.—Rae, *Life of Adam Smith*, p. 407.

[2] The debate on the subject of Foreign Missions was published under the title of *An Account of the Proceedings and Debate in the Assembly of the Church of Scotland, 27th May*, 1796.—Edin. 1796. In the *Caledonian Mercury* for February, 1763, we read of a collection being made in the General Assembly for propagating the Gospel among the North American Indians. The tone of the Assembly had changed since that date.

claims of the free-thinker. By a majority of ninety-six to eighty-four the General Assembly, to which the case was referred, gave decision in favour of Leslie. It was a triumphant victory for the popular party, and the Moderates never recovered their lost prestige. Their defeat was, in truth, a decisive proof that they were losing touch with the times.

The most notable literary products (the dubious *Ossian* excepted) of the period following the 'Forty-five had been in the sphere of thought and not of imagination. Its representative names are those of Hume, Reid, Adam Smith, and Robertson. The work of all these writers found continuators, but none of the same original power. Yet the prelections of one famous teacher still maintained Scotland's fame as a source of inspiration in the deeper problems of life. As Professor of Moral Philosophy in the University of Edinburgh from 1785 to 1810, Dugald Stewart gave a direction to the lives of a succession of youths who were to be among the chief forces of their own generation. Men like Jeffrey, Cockburn, Francis Horner, Sir James Mackintosh, Brougham, Lord Palmerston, and Earl Russell, were enthusiastic disciples such as few teachers can boast. It was in the sphere of imaginative creation, however, that Scotland during the last quarter of the 18th century made its most memorable contribution to literature. During these years Burns began and finished his work, and Walter Scott entered on the career which was to excite the world's interest. The work of both exhibits manifest traces of the time in which it was produced; yet neither was pre-eminently the interpreter of the conflicting aims and passions that were then absorbing and dividing the Scottish people. Burns's sympathies were with the French Revolution and with the Whigs at home; but he was not of the stuff of which political martyrs are made, nor did his genius fit him to produce political verse which by its sincerity and force gives momentum to national movements. He wrote election ballads and party songs, but he sounds no clear and consistent note; and his productions in

that kind are among the inferior efforts of his genius. Yet the work he accomplished has had a more abiding influence than it would have had if nature had made him the poet of a great political and social ideal. It was in the wide field of human experience apart from temporary social and political conditions that his genius found its natural scope and its supreme expression. In Scotland, as in other countries, we have seen, there had always been a secular side to the life of its people which had asserted itself in the teeth of ecclesiastical supervision. It was of this side of life, with its purely human instincts and interests, that Burns was the poetic interpreter. The natural play of character as he observed it in the men and women around him —in their loves, their amusements, their quarrels, their misfortunes, their backslidings, and misadventures—this was his theme; and it was his attitude towards it and the manner in which he treated it that made him the most potent literary force that has influenced the masses of his fellow-countrymen. His attitude was that of pure naturalism dissociated from all theological preconceptions; and his treatment of congenial themes was that of the artist whose sole concern is to present them in the broadest light of humanity. *Menschlichkeit*—human nature in its essence—was the conception that presented itself to him; and it is as Scotland's one great genius who has adequately expressed this conception that he has his unique place in the national development.

The dominant fact of the period following the middle of the 18th century had been the rapid material progress of the country. That progress still continued, but what specially arrests our attention in the closing years of the century is the change wrought in the spirit and habitudes of the people. As industries had grown in town and country, wages had become higher and work more plentiful, with the result that the mass of the population were better clothed, better housed and better fed. The change that had come over the mind of the people was still more remarkable: "mankind," writes Galt

in the *Annals of the Parish*, "read more, and the spirit of reflection and reasoning was more awake, than at any time within my remembrance[1]." The awakening was doubtless in the first place due to the industrial activity which was now animating the country. The new methods of agriculture which had been generally introduced quickened the pace of landlords, tenants, and labourers. Even more effectual was the spread of manufactures in producing a class of artisans with minds alert to the movements that were renewing the foundations of society. In villages in almost every shire these artisans were now found; and their sedentary occupation gave opportunities of mutual stimulus which had not existed in the past. When the watchwords of the French Revolution found their way into the country, there was hardly a community where the population was not divided into "government men," on the one hand, and "blacknebs," or revolutionaries, on the other. Hence the rapid growth of those secret societies which alarmed the Government, and directly and indirectly contributed to the overthrow of the system represented by Dundas.

In the upper classes, also, and notably in Edinburgh, which set the model to the other larger towns, a change took place which was more superficial but has its own significance. "The change from ancient to modern manners, which is now [1840] completed," writes Lord Cockburn, "had begun some years before this [close of the 18th century], and was at this period in rapid and visible progress[2]." The change consisted in the abandonment of national manners, customs, and modes of speech for those of England—a process which had indeed been going on from before the middle of the 18th century[3].

[1] In the *Annals of the Parish* Galt gives what is a historical picture of the progress of a country parish during the period before us. Galt was born at Irvine in 1779, so that he describes what he had actually seen.

[2] *Memorials*, p. 24.

[3] The Society for the promotion of Arts, Sciences, Manufactures, and Agriculture considered it one of its duties to promote the reading and

It had begun in the endeavour of Scottish men of letters to weed their writings of Scotticisms and to acquire an English style that would pass muster with the critics in London. Then came the ambition on the part of the literary and fashionable classes to acquire the English accent in speech as well as the English idiom in expression. English teachers of elocution (Thomas Sheridan the actor among them) gave lessons in pronunciation to Scottish lawyers, professors, and clergy. After the middle of the century it became a mark of provincialism among those classes to betray a Scotch accent; and it was one of the sources of Dundas's popularity that he retained his mother-tongue though his life was largely spent in England. With English modes of speech, came English standards of manners, dress[1], and customs; and the general result was that lack of spontaneity which strangers have ever since noted as a characteristic of the society of the Scottish capital. The change, it may be said, went deeper still; superimposed habitudes do not leave the springs of character as they were; and it has been matter of frequent comment that with the beginning of the 19th century the strongly-marked individualities so conspicuous in the 18th began to disappear.

speaking of English.—See its advertisement in the *Caledonian Mercury* for July, 1762.

[1] Formerly Scottish ladies had copied the fashions of Paris and not those of London. Writing in 1812, Mrs Grant of Laggan says: "Glasgow is far more Caledonian, more national than Edinburgh; and our nationality decays so fast that I feel a kind of pain at its departure."—*Memoir and Correspondence*, II. 23.

CHAPTER X.

THE VICTORY OF REFORM, 1806—1833.

1806—1807

PREVIOUSLY to 1806 a Tory Government had been in power for more than twenty years. When in February of that year the Whig Ministry of All the Talents was formed, it was, therefore, as much to the surprise of the Whigs as it was to the disquiet of the Tories. It was a novel experience in Scotland to see a Whig (Henry Erskine) in the office of Lord Advocate, and a Whig Peer (the only Scottish one), the Earl of Lauderdale, dispersing patronage as Keeper of the Great Seal. The conduct of Walter Scott shows the alarm with which his party regarded a Government which it identified with revolution. Scott had accepted the office of Clerk of Session from the new Ministry, and, naturally feeling that his conduct might be misconstrued, he for the first time took a practical part in politics, canvassing electors and haranguing meetings in the interest of the family of his chief, the Duke of Buccleuch[1].

1807—1813

Scott and his party, however, were not to be long tried by the doings of the Whigs; in March, 1807, Grenville resigned after thirteen months' tenure of office; and for the next quarter of a century the Tories were to be in power. Yet the years that were coming were not to be as those of the Dundas despotism. The first Lord Melville was succeeded (1811) by the second as "manager" of Scotland. He inherited something of his father's ability and popular

[1] Lockhart, *Life of Scott*, Chap. xv.

qualities, and eventually filled important offices of State; he became President of the Board of Control, then Secretary for Ireland, and from 1812 to 1827 he was First Lord of the Admiralty; but under the new conditions he could not exercise the ascendency of his father in the affairs of Scotland. Though the Whigs were so summarily ejected from office in 1807, public opinion in Scotland was steadily growing in their favour, mainly owing to the championship of their cause by the younger advocates at the Scottish Bar. While Scott was the only eminent Tory lawyer among his contemporaries, the other side could reckon several who were to rise high in their profession and to play a distinguished part in the coming struggle for reform. Such were Jeffrey, who as editor of the *Edinburgh Review* was the Coryphaeus of the group; Cockburn, nephew of the first Lord Melville, but the most uncompromising of Whigs; John Clerk, afterwards Lord Eldin; Sir James, afterwards Lord Moncreiff, accounted the first lawyer in the Parliament House; and George Cranstoun, afterwards Lord Corehouse. The weight of learning was equally on the side of the Whigs; they had the most learned antiquary in Thomas Thomson, who, as editor of the *Acts of the Parliament of Scotland*, produced the most monumental work in Scottish history; and they had the greatest institutional lawyer in George Joseph Bell. "Nothing can be more certain," wrote the Tory Lockhart, "than the superiority of the Whigs in Scottish Literature of the present day[1]," and elsewhere he says: "The Whigs are still lords of public opinion in Edinburgh to an extent of which, before visiting Scotland, I could scarcely have formed any adequate notion," though he adds that the "Tories have all the political power, and have long had it[2]." The aims of the Edinburgh Whigs were burgh and parliamentary reform by constitutional methods; but there was a spirit abroad throughout the country which demanded more drastic measures and more revolutionary changes. "You

[1] *Peter's Letters to his Kinsfolk*, I. 79. [2] *Ib.* II. 146.

are quite right in apprehending a *Jacquerie*," wrote Scott to Southey in 1812; "the country is mined below our feet." And he proceeds to relate how he had recently prevented a public meeting of weavers in Galashiels, in connection with which he had made a startling discovery. The Manchester Weavers' Committee was in communication with every manufacturing town in the south and west of Scotland and levied a subsidy of *2s.* 6*d.* per man "for the ostensible purpose of petitioning Parliament for redress of grievances, but doubtless to sustain them in their revolutionary movements[1]."

According to Lord Cockburn, the year 1815—the year of Waterloo and the fall of Napoleon—divided in twain the lives of his generation[2]. Previous to that year the double dread of revolution and invasion had been fatal to all reform[3]; when that dread was removed, the nation could breathe more freely and with new-born confidence turn its thoughts to political and social amelioration. Yet the events of the years immediately following the overthrow of the great enemy were not such as to reassure the majority of the nation, who since the original outbreak of the French Revolution had steadily set their faces against all constitutional change. It had been a result of the Napoleonic wars that, while they increased the wealth of the manufacturers, they had injuriously affected the working-classes. Loss of employment owing to the introduction of machinery and the fall of wages had produced a wide-spread misery both in Scotland and England which the State seemed helpless to relieve. The outcome in both

[1] *Life*, Chap. XXIV.

[2] *Memorials*, p. 239.

[3] A story is told of James Mylne, Professor of Philosophy at Glasgow and an ardent Reformer, which illustrates the tension of public feeling. On Sunday, March 26, 1815, news came of Bonaparte's escape from Elba. Preaching that day, in the University Chapel, Mylne gave out the paraphrase, beginning, "Behold! he comes, your leader comes!" This was interpreted as a welcome to Bonaparte, and Mylne was prosecuted by the Lord Advocate.—M'Cosh, *Hist. of Scot. Philosophy*, p. 365.

countries was the growth of a spirit of unrest, mainly among the artisans, more menacing and more wide-spread than at any period since 1789. Revolutionary societies sprang up on all sides; and there was open defiance of the constituted authorities. The problem of the Government—that of Lord Liverpool—was to distinguish how far these symptoms were due to revolutionary aspirations and how far to despair begotten of misery. An attack on the Prince Regent (January 28, 1817) decided Liverpool to follow the example of Pitt on the occasion of a similar attack on George III. In March the Habeas Corpus Act in England and the corresponding Act in Scotland were suspended; and in the following month an Act, applicable to both countries, was passed against seditious meetings[1].

1816—1817

In Scotland it was the state of things in Glasgow that most seriously alarmed the Government. The greatest centre of industry in the country, Glasgow since the beginning of the revolutionary time had been a hot-bed of secret societies; in 1792 it had sent a subscription of £1200 to the French National Assembly. In 1816 the Government received information that a conspiracy was on foot in the town —the majority of those concerned in it being weavers. In accordance with the practice of Pitt, a spy named Alexander Richmond, himself a weaver who had previously been imprisoned for being concerned in a strike, was employed to worm out the secrets of his fellows. Richmond's report of his investigations was sufficiently alarming. There was a conspiracy, he alleged, the parties to which took a secret oath that they were prepared to use physical force to obtain free and equal representation, annual Parliaments, and the elective franchise for every citizen who had attained the age of twenty-one. What was specially disquieting was the further allegation that the troops in the city barracks were suspected of being tainted with the opinions of the weavers.

[1] 57 Geo. III. c. 6; 57 Geo. III. c. 19.

In consequence of Richmond's information, a number of persons were arrested and brought to Edinburgh to undergo trial. The Lord Advocate of the day, Alexander Maconochie, conducted the prosecution; and Jeffrey and John Clerk (afterwards Lord Eldin) were the counsel for the defence. Three of the prisoners—Alexander McLaren, a weaver, Thomas Baird, a grocer, and Neil Douglas, a universalist preacher—were tried on a charge of sedition. McLaren was proved to have made an inflammatory speech at a public meeting near Kilmarnock and Baird to have published it, while it was alleged against Douglas that in his sermons he had said among other things that George III might be paralleled with Nebuchadnezzar who had been smitten with the loss of reason, and that the Prince of Wales was an "infatuated devotee of Bacchus." Both the sentences and the manner in which the trials were conducted showed that a change had been wrought both in the public mind and in the atmosphere of the Courts of Justice since the days when Muir and Palmer were transported for similar offences. Baird and McLaren were sentenced to six months' imprisonment, while in the case of Douglas the jury brought in a verdict of not guilty. 1817

There still remained to be tried another batch of prisoners, also arrested on the information of Richmond. The charge against them was more serious; according to Richmond they had all taken the treasonable oath which he professed to have discovered. To justify the measures of the Government, it was highly desirable that their guilt should be brought home to the accused; and the legal authorities of the Crown did their utmost to secure witnesses in support of the prosecution. Their diligence was rewarded by one of the prisoners, John Campbell, turning King's evidence; and in July the trials came on. The most notable of them, by reason of a sensational incident, was that of Andrew McKinlay, a Glasgow weaver. As his counsel he had nine of the most eminent Whig advocates—

Jeffrey, Cockburn, and Clerk among them; while the Crown was represented by the Lord Advocate, the Solicitor-General, and the Advocate-Depute. At the outset of the examination, the witness Campbell was asked—a purely formal question then put in criminal cases—if he had received or been promised a reward for giving his evidence. To the consternation of the Court he replied in the affirmative and pointed to the Advocate-Depute. As Campbell stood to his averment, the Court ruled that his evidence could not be received. Although other witnesses were called, the Lord Advocate of his own accord abandoned the case against McKinlay, and the jury returned a verdict of not guilty—the verdict applying to all the other prisoners. The failure of the prosecution was attributed to the incompetence of the Crown officials, yet it may be ascribed in large measure to the changed conditions of the time. In 1796, as the air was then charged, a judge like Lord Braxfield would have found little difficulty in procuring a different conclusion. The phalanx of Whig counsel represented a body of public opinion such as did not exist at the date of the earlier State Trials.

To the same excited year belong two events of interest in the history of the political parties that now divided the country. In January, 1817, appeared the first number of *The Scotsman* newspaper—an event, says Lord Cockburn, writing as a Whig, "of incalculable importance." Its appearance was another proof that the times were rapidly changing. In the days when the Dundas influence was at its height, a Whig newspaper would have been regarded with horror as a harbinger of revolution, and its editor "would have been better acquainted with the Court of Justiciary than he would have found comfortable." Appearing weekly and under able conduct, the new organ at once defined the aims and rallied and concentrated the forces of the Whig party. In the interests of that party it was the need of the hour that its objects and methods should be clearly

1817

distinguished from those of the wilder revolutionaries; and this was the peculiar service the *Scotsman* was able to render.

Even in the days while Dundas was still supreme, his party had to a certain extent made use of the press to influence public opinion[1]. As things now went, however, with the *Edinburgh Review* and the *Scotsman* in possession of the field, it was needful that the existing order should have its own exponent and champion; and this was the rôle undertaken by the promoters of Blackwood's *Edinburgh Magazine*, the first number of which appeared in October, 1817. Like the *Edinburgh Review*, it bore a distinctive character from the first—its guiding object being to carry fire into the enemy's country. Its personalities, its flippancy, and irresponsibility were condemned by the graver heads of the party it represented. The "mother of mischief," Scott called it; and Mrs Grant of Laggan, a good Tory, expressed the hope that its contributors feared God as they certainly did not regard man[2]. "The faults of this Magazine," wrote Lockhart, who was himself to be not the least offender, "have been very great; the worst of them wanton and useless departure from the set of principles, and outrages upon the set of feelings, it has all along professed to hold sacred[3]." But the *Edinburgh Review* had now an effective rival, and the public had the opportunity of hearing both sides of every question.

1819—1820

For about a year and a half following the State Trials of 1818 there was comparative tranquillity among the discontented classes in Scotland. In England, however, the year 1819 saw a recrudescence of revolt more serious and alarming than in any previous year, culminating in the "Manchester Massacre" of August. At the close of the year were passed the Six Acts which prohibited seditious

[1] *The Edinburgh Herald* was largely supported from the Secret Service Fund.

[2] *Memoirs of a Highland Lady*, II. 236.

[3] *Peter's Letters to his Kinsfolk*, II. 224.

writings and public meetings, the possession of arms and secret drilling. Through the secret societies a close connection was kept up between the artisans of both countries; and in the beginning of 1820 there were ominous signs that mischief was brewing in the west of Scotland. As in 1818, Glasgow was the centre of the threatening symptoms; but the neighbouring towns, such as Paisley, Hamilton, and Airdrie, were suspected of being privy to the conspiracy. A portentous document at length announced the intentions of the conspirators. It was written in the name of the "Committee of Organisation for forming a Provisional Government," and was addressed to all the inhabitants of Great Britain. Posted as a placard in the streets of Glasgow and other towns in the west, it summoned all labourers and artisans to desist from work on and after April 1, till they were put in possession of the rights that "distinguish the freeman from the slave." Before the day appointed for the general strike, Glasgow was occupied by 5000 troops, mainly consisting of the Yeomanry of Midlothian and other counties. The precaution was prudently taken. Some 60,000 men struck work; and Glasgow and the neighbouring towns and villages swarmed with idlers prepared for mischief. On the night of April 5 an actual encounter took place between the troops and the mob, but a charge of cavalry put an end to the affair. More serious and the most notable incident of the disturbed time was a fray on the same 5th of April at Bonnymuir, near Carron in Stirlingshire. There a body of armed insurgents was met by the Stirlingshire Yeomanry and put to flight with a loss of three slain and nineteen prisoners. Mainly through the action of the Yeomanry in the disturbed shires, a few weeks sufficed for the restoration of general quiet.

It now remained to deal with the forty-seven prisoners who had been apprehended for trial, and regarding whose degree of guilt public opinion was greatly divided. In the view of Tories like Scott, the great majority of those concerned in the dis-

turbances were "blackguards" whose object was the overthrow of the existing Constitution; in the judgment of others, it was not the spirit of rebellion but the sting of actual want which had been the impelling cause of insubordination. The results of the trials, which were conducted by a Commission of Oyer and Terminer, sufficiently vindicated the law, and at the same time showed the change in general opinion since 1796. Of the forty-seven brought to the Bar, twenty-four received sentence of death, which, however, was carried out only in the case of three—Wilson who was hanged at Glasgow, and Hardie and Baird who suffered at Stirling. Of the others, two were found innocent and the remaining twenty-one were not brought to trial. Such was the conclusion of the "Radical War[1]," as it was called, the events of which forcibly remind us that we are now a long way from the Scotland of the 18th century, when a Lord Islay or a Dundas held the nation in his hand.

1820

The year 1820 saw a novelty in Scotland which was as emphatic a sign of the times as the Radical War: for the first time in the history of the country, a public meeting was held with a purely political object[2]. Its immediate occasion rose out of the proceedings against Queen Caroline, instituted by George IV in the first year of his reign. In both countries these proceedings were regarded with indignation by the great majority of the people; and, as they had received the sanction of the Premier, Lord Liverpool, they evoked a corresponding indignation against his Ministry. It was an opportunity not to be lost by the Edinburgh Whigs; and a hundred of their leading householders requested the Lord Provost to call a public meeting for the express purpose of petitioning for the removal of the King's Ministers. The Provost refused the request; and at an earlier date his refusal would have been an insuperable bar to the meeting. But Whig

[1] It was at this period that the term "Radical" came into use both in Scotland and England.

[2] Cockburn, *Memorials*, p. 325.

opinion was now so strong in the city that it was resolved to set municipal influence at defiance. The meeting could not be held in the open air, as this was prohibited by one of the Six Acts; but a suitable place was found in a building then known as the Pantheon, which has a history of its own. On Saturday, December 16, a crowd assembled in the hall such as never before had been seen in Edinburgh; and thousands were unable to gain admission. The principal speakers were James Moncreiff, John Clerk, and Jeffrey—all three long known for their championship of Whig principles; and, though the proceedings were frequently disturbed, the result of the meeting was a triumphant success for its promoters: the petition for the removal of the Ministers was signed by about 17,000 persons, while a counter-petition was signed by about 1600 or 1700[1]. But the special significance of the meeting lay in the fact that it was mainly composed of the middle classes in Edinburgh—a proof that the dread of the people, which had hitherto been the main deterrent against reform, was yielding to the pressure of the changed conditions of the time. The Tory wits might mock, as they did, at the Pantheon Meeting; but a few years were to show the justice of Lord Cockburn's remark that "old Edinburgh was no more."

The conflict of political opinion displayed itself in other ways not unfamiliar in the past history of the country. The experience through which the nation was now passing, it should not be forgotten, was one which involved momentous issues; and discerning men in both political parties were fully aware of the fact. "I rather think," wrote Jeffrey in 1822, "we are tending to a revolution, steadily though slowly[2]"; and somewhat later Scott expressed the opinion that the time recalled the year 1638, when the nation asserted its will against Charles I. Not, indeed, since the Reformation

[1] Cockburn estimates the number of adults in Edinburgh at 20,000.—*Memorials*, p. 325.

[2] Cockburn, *Life of Jeffrey*, II. 200.

had there been such a fateful turning-point in the national destinies. At the Reformation the problem had to be decided whether it was a prudent step for a nation to cast itself loose from the Church which had hitherto held the peoples in the bond of a common faith; and the decision taken had cleft Scotland in twain. The issue now before both countries was hardly less momentous. The eventual result of the proposals of the most moderate of the Reformers must be the transference of political power from a privileged few to the many; and under such conditions could society and government have any stable existence? Apart from merely personal interests, men with the temperament and sympathies of Scott had no hesitation regarding the answer to the question: democracy and anarchy were synonymous terms. It was the same national dilemma as had occurred at the Reformation, and it similarly divided the mind of the country. Men of conservative temper dreaded the letting-in of the waters, while others more sanguine believed that the continuance of the existing state of things must result in the very disaster that was feared. The opposition between these two classes was fundamental; and, allowance made for the difference of the times, the passions it evoked were of the same nature in both periods. In all past crises, partly owing to national characteristics and partly owing to the narrow area in which the controversies were fought out, mutual recrimination had been fiercer in Scotland than in England. Such was the case in the controversy that now divided the country; and not in the days of Knox or of the Covenants was less regard paid than now to the sanctities of private life and social intercourse.

1821—1822

As the party that felt their ground slipping from beneath them, it was in human nature that the Tories should discharge their feelings with the greater emphasis; and, by the admission of men like Scott and Lockhart (himself at times not the least sinner), they frequently passed the bounds of fair controversy. In the case of one personal slander the result was a tragedy which has its place

in the annals of the time. In January, 1821, a newspaper called *The Beacon* was started in the interest of Tory principles, and distinguished itself by a coarseness of personal abuse which was disapproved by persons belonging to its own party. In August of the same year it contained an insulting reference to Mr James Stuart of Dunearn, a prominent Whig, who took his revenge by caning the printer in the street. An attack on another well-known Whig, Mr James Gibson[1], led to a sensational revelation. Suspecting that the Lord Advocate, Sir William Rae, had some connection with the libellous paper, Gibson wrote to ask if that were the case. Rae's reply was to the effect that he and several other members of his party both controlled and subsidised *The Beacon*, and were thus responsible for what appeared in it. It was "a blasted business," wrote Scott; and *The Beacon* came to an end. But, as things now went, an organ in the Tory interest was imperatively required; and, shortly after the death of *The Beacon*, a new Tory paper, *The Sentinel*, was established in Glasgow. *The Sentinel* followed the same courses as *The Beacon*; and again Stuart of Dunearn was the subject of abusive attacks. On the threat of an action for damages against its two editors, Borthwick and Alexander, Borthwick agreed to make known the authors of the attacks if Stuart would abandon the action[2]. On examining the manuscripts communicated to him, Stuart found that the most insulting references to himself were written in a disguised hand by a kinsman of his own, Sir Alexander Boswell of Auchinleck, the eldest son of Johnson's biographer. On this discovery Stuart challenged Boswell; and a duel took place at Balmuto in Fife—Boswell falling mortally wounded. The duel happened on March 22, 1822; and on the 10th of June following Stuart

[1] Afterwards Sir James Gibson-Craig of Riccarton.

[2] Borthwick was afterwards indicted for having illegally given up the documents, which were the common property of himself and his partner, but was not brought to trial.

was tried for murder. "No Scotch trial in my time," says Cockburn, "excited such general interest." As there was no law against duelling (that of James VI being obsolete), and no incriminating circumstances could be proved against the accused, the jury returned a verdict of acquittal.

1822—1823

The events just related raised questions of wider public interest. On June 25, 1822, Mr James Abercromby, afterwards Speaker and first Baron Dunfermline, moved in the Commons for a committee of enquiry into the conduct of Lord Advocate Rae. In a long speech he accused the Advocate of a breach of his office in prosecuting Borthwick and in tampering with the public press. When the vote was taken, the motion was lost by a majority of twenty-five. In the course of the debate, Abercromby received letters from two Advocates-Depute—Mr John Hope and Mr Menzies—of such a nature that he challenged both to a duel, and went to Edinburgh to meet them. Hope and Menzies were both arrested, Abercromby escaping the search; and both Deputes were forced to apologise at the bar of the House of Commons for breach of privilege against one of its members. The following year (1823) Abercromby again raised the question of the Lord Advocate's prosecution of Borthwick, and lost his motion only by a majority of six. But the conduct of Rae raised a wider public question which was vigorously discussed in the Scottish press, and notably by Henry Cockburn in the *Edinburgh Review*. Were the powers of the Lord Advocate, as they had been exercised by Rae, compatible with the just administration of the affairs of the country? Since the abolition of the office of Secretary in 1746, the Lord Advocate had gradually assumed his powers; and these powers were virtually those of the ancient Privy Council of Scotland. The Advocate was practically the only person who had the privilege of prosecution; he had large sums of money at his disposal; and it was reckoned that he had some eighty offices to bestow among the members of the Bar. Nor were his powers confined

to his strictly legal functions: he was virtually Secretary of State for Scotland, and worked in concert with the English Home Secretary. The Whigs maintained that these powers were excessive and inevitably led to injustice; while the Tories contended that they were the best safeguard against maladministration. Appealed to by Sir Robert Peel, then Home Secretary, the Scottish judges gave it as their opinion that any change affecting the Lord Advocate's powers was undesirable; and the Government took no action.

In spite of the growing power of the Whigs, they had as yet effected little more than keeping reform before the public mind. We have seen how the reform of the burghs had been pressed in the years immediately preceding the French Revolution, and how that event had effectually retarded it[1]. Not till 1818 was the question again raised—the occasion being certain difficulties in connection with Montrose and Inverness. In 1819, Lord Archibald Hamilton, member for Lanarkshire, succeeded in obtaining a committee of enquiry into the condition of the Scottish burghs; and its report in 1822 proved the existence of many abuses. Hamilton then moved for a committee of the whole House to consider the question, his main proposal being the abolition of the self-election of magistrates, which in the opinion of the burgh reformers was the root of all the existing evils. To this proposal the Tories were as resolutely opposed as ever; and by way of compromise Lord Advocate Rae introduced a bill which became law, assigning to the Court of Exchequer a certain measure of control over the revenues of the burghs. Eleven years had to pass before the irrational system of self-election was swept away in the general tide of reform.

1822

[1] Ramsay of Ochtertyre reports that, in connection with the proposed reform of the burghs, Sir John Shaw Stewart remarked to Graham of Gartmore: "You deserve great credit for the attempt; but, believe me, you may as soon think of reforming hell."—*Op. cit.* I. 378, note.

More successful were the efforts to reform one of Scotland's most ancient institutions—the Court of Session founded by James V in 1532. In this case, also, there was vehement opposition from the rooted conviction that all change was dangerous while revolution was in the air. During the brief Whig Ministry, however, the question of reforming the Court was seriously raised. It was urged that the arrangement by which fifteen judges ("the auld fifteen") sat in one chamber and administered justice was the occasion of needless expense and delay to litigants. In 1807, Lord Granville introduced a bill into the House of Lords for the reform of the Court; but the fall of his Ministry prevented its being carried into law. But the necessity for reform was felt to be so urgent that in the same year Lord Eldon brought in a bill with an object similar to that of Granville. Passed into law in 1808, it effected a complete re-organisation of the Court. Instead of the fifteen sitting in one chamber, the Court was separated into two Divisions—one consisting of eight and the other of seven judges, presided over respectively by the Lord President and the Lord Justice-Clerk. In 1815 there followed another change in the administration of justice, also keenly resisted by the conservative element in the country. The original custom of trial by jury in civil cases had fallen into desuetude, with the frequent result of the mal-administration of justice. In 1815, therefore, an Act was passed which erected a Jury Court consisting of three "Commissioners" who, with the aid of a jury, were to try all civil cases[1]. A still more radical reform was effected in 1825, likewise in the teeth of strenuous resistance on the part of the landed interest and the Town Councils. The existing forms of process in the Court of Session had long been the subject of bitter complaint. Cases were needlessly protracted; and so little confidence was felt in the decisions

[1] This Court was abolished in 1830, and was merged in the Court of Session, which now tries civil cases with a jury.

of the judges that there were constant appeals to the House of Lords. To remedy this state of things, Sir Robert Peel, Home Secretary in the Liverpool Ministry, introduced a bill (1824) "for the better regulating of the forms of process in the Courts of Law in Scotland," which in the following year became law.

The central figure in Scotland during the year 1826 was her great romancer, now at the height of his European reputation. In January was brought home to him the full extent of the disaster involved in the ruin of Ballantyne and Constable; and the sympathy of Scotsmen of every shade of opinion went forth to him "who was the pride of us all." The catastrophe had hardly happened when he drew the attention of his countrymen in another field than that in which he had gained his laurels. The years 1825 and 1826 were the years of that Joint-Stock mania which led to the wildest speculation and the consequent ruin of thousands of families in both countries[1]. When the crash came in December, 1825, the Government took high-handed but necessary measures to relieve the general distress. As one means of relief, the issue of small notes by English country banks was stopped; and the intention was to apply the same measure to Scotland. As one man, the Scottish people of every rank rose against the proposed abolition of their time-honoured £1 notes. "I never saw Scotland unanimous before," writes Lord Cockburn. As a Scot of the Scots, Sir Walter was the keenest to feel what was considered a gratuitous interference on the part of English statesmen with a matter which only concerned Scotland. Under the pseudonym of Malachi Malagrowther he contributed three letters to the *Edinburgh Weekly Journal* in which he assailed the proposed measure with all the vehemence of which he was capable when

1826

[1] One of the wild schemes was to send Scottish dairy-women to Buenos Ayres to milk wild cows and to churn butter in a country where the people preferred oil.

his feelings were roused. The letters were but feebly supported by fact and logic, for, as he himself admitted, he was no economist; but, expressing the passions of the hour, they gave a momentum to the national sentiment which deterred the Government from pressing the measure.

1827—1828

To the years 1827—8 belongs a tale of horror which sent a shudder through the country at the time, and which is still familiar in tradition to every Scottish child. In November, 1828, were arrested four persons who were charged with a series of crimes unparalleled in the history of the country. They were William Burke, a native of Tyrone, a woman named McDougal with whom he cohabited, and William Hare and Mrs Hare, with whom Burke and McDougal lodged in the West Port of Edinburgh. Within the space of a year these persons had committed at least sixteen murders—the object of the crimes being the sale of the bodies to a Dr Alexander Knox for purposes of dissection. The method of their proceeding had been to decoy their victims into Hare's lodging, and to dispatch them by suffocation while they were under the influence of drink. The accidental discovery of the murder of a woman named Docherty was the occasion of the criminals being brought to justice. Hare and his wife having turned King's evidence, only Burke and McDougal were brought to trial (December 24, 1828). Owing at once to the monstrous nature of the crimes in question and the eminence of the counsel engaged, the incidents of the trial were followed with harrowing interest by the entire nation. As its result, Burke was found guilty and condemned to death; but the charge against McDougal was found not proven and she was consequently released. The public were especially indignant that Hare, considered the most villainous of the crew, should escape his deserts, and an attempt was made to raise a prosecution against him on a distinct charge; but the Court decided that the prosecution could not take place, and Hare made his way to America.

The long Ministry of Lord Liverpool (it had lasted twenty-five years) came to an end in April, 1827, and was succeeded by the "Piebald Administration" of Canning, which marks an epoch in the political history of Scotland. The second Lord Melville, since the death of his father in 1811, had filled, though with diminished sway, that office of "manager" of Scottish affairs which the Whigs had always considered an intolerable incubus on the nation, and the most formidable obstacle in the way of reform. To their unbounded satisfaction the office now came to an end. Lord Melville, unable to accept a place in the Canning Ministry, lost and never regained the position which had made his managerial powers possible. The cessation of the office, writes Cockburn as a Whig, was "absolutely necessary for the elevation of this part of the Kingdom." It was "a great deliverance," declared Dr Chalmers, as an Evangelical who had resented Melville's support of the Moderate party in the Church. The manager abolished, Scottish business had still to be carried on, and an arrangement was made which satisfied the Whigs: the Marquis of Lansdowne, the Whig Home Secretary under Canning, undertook to administer Scotland, receiving his advice from three stalwart reformers, Lord Minto, Abercromby, and Thomas Kennedy of Dunure. But the arrangement was of short duration. Canning died on August 8, 1827; and his Ministry was succeeded by that of Goderich, which, equally short-lived, was followed by that of the Duke of Wellington in January of the following year.

1827—1830

The accession of the Wellington Government raised the hopes of the Scottish Tories, but they were doomed to bitter disappointment. First, they found reason for dissatisfaction in the conduct of their chief, Lord Melville. They had been indignant with him for refusing to take office under Canning, and thus forfeiting his position as manager of Scottish affairs; and his subsequent action gave them further ground for dissatisfaction. To their chagrin he consented to accept the

office of President of the Board of Control of India—an office which did not give him a place in the Cabinet and thus deprived him of political influence[1]. But their dissatisfaction with Melville reached its height from his conduct at a later date. In February, 1830, the office of Chief Baron of the Exchequer fell vacant. In the opinion of the Tories it should have gone to Sir William Rae, who had faithfully served their party as Lord Advocate since 1819. But Wellington and Peel were desirous of conciliating the Whigs; and to his own great amazement the place was given to Mr James Abercromby, long distinguished as a parliamentary reformer. The Tories had good reason for complaint at Rae's being passed over; and it was made a general reproach against Melville that he had either ceased to possess any political influence or that he wished to drive Rae from his position as Lord Advocate. In point of fact, Rae retained his office till the fall of the Wellington Ministry (November, 1830), signalising its close by the passing of the Scottish Judicature Bill, which reduced the number of judges from fifteen to thirteen, and by this and other changes in the Court of Session saved the nation the sum of about £23,000 annually.

1829

The conduct of Melville was only a minor misfortune in the interests of the Tory party; it was the swelling tide of popular opinion that menaced their long domination. The two absorbing questions now before the country were Catholic Emancipation and Parliamentary Reform. The attitude of Scotland towards Catholics had undergone a notable change since the years 1778 and 1789, when the great majority of the people of all classes made their violent protest against the removal of Catholic disabilities. When in March, 1829, the Wellington Ministry introduced the bill for Catholic Relief, a great public meeting was held

[1] He afterwards entered Wellington's Cabinet as First Lord of the Admiralty—the office which he had held under Lord Liverpool.

in Edinburgh to give support to the measure. For once the more enlightened followers of both political parties united in common action. Presided over by the Lord Provost, Sir William Arbuthnot, a stout Tory, the meeting was addressed by the Tory Solicitor-General, Charles Hope, and by Jeffrey, Cockburn, and Dr Chalmers. Of the two petitions sent up from Scotland to the Commons, the one in favour of relief and the other against it, the former had about 8000, the latter about 14,000 signatures attached[1].

On the other great question—the question of Parliamentary Reform—there could only be antagonism at every point between the two political parties. If the Reformers should have their way, it would be the end of the system under which for half a century the Tories had had the country at their bidding. As usual, the strife of parties in Scotland was more rancorous than in England. In the present controversy, however, there were special reasons why passions should rage more fiercely than in the sister country. The electoral arrangements in Scotland were still more anomalous than in England; and the struggle for reform had been fought under conditions which brought the protagonists of both parties into personal and professional rivalry. The population of the country at this time was about 2,360,000, and there were only about 3000 electors. Votes in the counties were exclusively in the hands of the freeholders, of whom fully a half were "Parchment Barons[2]," possessing no property, who had been set up for the most part by the great county families with the object of returning members in their own interest. The

[1] In 1778—9, when the relief of Catholics was proposed, such a meeting as that of 1828 would have been impossible, and the idea of a petition in favour of Catholic relief could not have been entertained. That 8000 persons in Edinburgh should have signed the petition showed a striking change in the general attitude towards Catholics.

[2] "Parchment Barons" were nominal freeholders to whom land was given *in trust only*, in order that they might possess the right of voting.

electoral condition of the burghs was equally unsatisfactory, their representatives being returned by the self-elected Town Councils. Edinburgh, which had a population of over 160,000, had only one member, chosen by the thirty-six Town Councillors. The distribution of representatives among the burghs had become as irrational as was the case in England. Renfrew, Rutherglen, and Dunbarton were mere villages; yet Glasgow, the second town in the kingdom, divided with them the privilege of returning the solitary member who represented all four. As in England, many towns which had grown comparatively populous owing to the development of special industries had no representation, while many burghs that were mere villages enjoyed the privilege by prescription.

1831

The time had been when this state of things was regarded with indifference by the mass of the people of Scotland. That time had now gone, and the great majority of the middle classes and of the artisans showed the same perfervid zeal for Parliamentary reform as their ancestors had shown for the Covenants. It was with a passionate interest, which at times threatened open revolt, that the country followed the development of the great struggle between the opposing political parties in the two Houses of Parliament. When on March 22, 1831, the first English Reform Bill passed the second reading, the news was received with general exultation. In Edinburgh the demand was made for an illumination to signalise the event; and, though the magistracy at first set their faces against it, they were constrained to yield to the force of public opinion. When in the following month the Bill was defeated and a general election was the consequence, the leaders of the Scottish Whigs were in dread lest the violence of their supporters should compromise the cause. For the representation of Edinburgh there were three candidates—the Lord Provost and Mr Robert Adam Dundas, both Tories, and Francis Jeffrey; but it was known that the fight would lie between

Jeffrey and Dundas. For forty years there had been no contest—the Town Council, the electing body, having been virtually the nominees of the Dundas connection. The result of the election was significant of what followed on the change of political conditions: Dundas received seventeen votes, Jeffrey fourteen, and the Lord Provost two. When the vote was declared, a tumult ensued in which the Provost was mobbed; and it was only quelled by the military and a number of blue-jackets from Leith harbour. Throughout the country generally there was the same excitement; and it was during this general election that the cry of the Jedburgh crowd "Burke[1] Sir Walter!" pierced the heart of Scott, then stricken by his last illness. When after the meeting of the new Parliament, the second Reform Bill was rejected by the Lords, the popular fury in Scotland reached its height. "For God's sake," wrote Jeffrey to the Solicitor-General Cockburn, "keep the people quiet in Scotland"; and for the more effectual securing of the peace he had additional troops sent down and quartered where the peace was most likely to be broken.

Indignation was turned to triumph when on June 27, 1832, the Scottish Reform Bill, three weeks later than that for England, was read a third time, and on July 17 received the royal assent. On the 10th of August the event was signalised in Edinburgh by a celebration unique in its object and motive. This was the "Reform Jubilee," organised by the Council of the Trades' Union, which had been founded in the preceding May. Fifteen thousand men, marshalled according to their respective trades, bearing banners and the symbols of their various crafts, met on the Bruntsfield Links, and thence marched into the city under an arch bearing the motto—"A United People makes Tyrants tremble." Addresses to the King (William IV), to the House of Commons and the Ministry vouched the present loyalty and gratitude of

1832

[1] The verb was coined from the name of the miscreant Burke.

the crowd, while a single black placard significantly recalled the memory of the political martyrs, Muir, Gerald, and Palmer.

The Reform Bill, however, fell far short of the demands of Muir and his fellow-agitators. They had demanded manhood suffrage, but in point of fact the Bill did not enfranchise the artisans as a class. Nevertheless, it was almost literal truth that, as Jeffrey said, the Bill "left not a shred of the former system." Only eight Scottish members were added, the representation being thus raised from forty-five to fifty-three—thirty for the counties and twenty-three for the burghs. It was the distribution of seats and the change in the electorate that effected the revolution. Two seats were given to Edinburgh and Glasgow respectively, and one each to Paisley, Aberdeen, Perth, Dundee, and Greenock. In the counties the "Parchment Barons" were abolished; and the franchise was given to a mixed body of freeholders and leaseholders with varying qualifications. The change made in the electorate of the burghs was equally radical, the Town Councils being deprived of their electoral privilege, and the franchise conferred on householders with a qualification of £10.

The effect of the electoral revolution had now to be put to the test; and when, in December, 1832, the Reform Parliament was dissolved, both parties prepared for the coming contest with equally passionate hopes and fears. The Tories would have to fight for their very existence as a party, and, as it also seemed to them, for the maintenance of the constitution itself: hence the significance of the designation *Conservatives*, which they now began to assume. On their part, the Whigs had to show by the result of the election that the recent reforms were approved by the country and at the same time were no peril to the State. On both sides there were doings in connection with the elections which showed the long vitiation of the public conscience: Whigs and Tories alike threatened constituents with penalties if they refused to vote as they were desired. But the crisis was one in which

passion over-rides interest; and, in spite of bribes and threats, the great majority voted in consistency with their political convictions. Whatever it might portend for the future, the result of the first election on the new basis was a signal triumph for the party of reform. In the counties twenty-two Whigs were returned as against eight Tories; while in the burghs the rout of the Tories was complete—a single Tory being returned out of the twenty-three constituencies. Special interest attached to the elections in Edinburgh, which had so long been a pocket burgh of the Dundas's. The Whig candidates were Jeffrey and Abercromby, the Tory candidate Mr Forbes Blair. The result of the last election under the old system had shown the strength of the Whigs among the citizens in general, and the vote now recorded was not unexpected: for Jeffrey the numbers were 4028, for Abercromby 3855 and for Blair 1529. To men who identified Reform with Jacobinism and who saw in the new electorate an irresponsible mob, it might well seem that the deluge they had so long dreaded was at last upon them. Nor was it without misgiving that the reforming leaders themselves regarded the portent which they had given their strength to bring forth. "The real battle," wrote Jeffrey in 1831, while the issue was still impending, "the real battle that is soon to be fought, and the only one worth providing for, is not between Whigs and Tories, Liberals and Illiberals,..... but between property and no property—*swing* and the law." The "battle" which Jeffrey foresaw was the inevitable result of the measure for which he was largely responsible; and its final issue still hangs in the balance.

Parliamentary reform having been accomplished, it now remained to do a similar service for the burghs. The demand for burgh reform, we have seen, had 1833 preceded the demand for the reform of the electorate, as being likely to find more general support. The question had been first decisively brought before the public in 1784 when delegates

from the burghs had met in Edinburgh to consider what measures should be taken for attaining the desired end. The French Revolution came and blasted the hopes of the Burgh Reformers, though they proclaimed that burgh reform did not imply Parliamentary reform, which was the bugbear of the existing Government. Not till 1818 was the question again raised; and not till 1822 (see above, p. 411) was a partial measure of reform effected. The grand aim of the reformers from the beginning had been to put an end to the arrangement which virtually made the Town Councils self-elective. With the Parliament returned by the new electorate there could be little difficulty in carrying this reform. The conduct of the necessary measure fell to Jeffrey, the Lord Advocate, whose ambition it had been to have his name associated with the two great reforms which were to emancipate Scotland. With the approval of Lord Grey he introduced his measure (March, 1833), consisting of two bills, one applicable to the ancient royal burghs, the other to the burghs which had recently received the privilege of representation. The measure was a highly complicated one, as the different burghs with their respective "sets" or constitutions demanded minute and special consideration, but it accomplished the main object to which it had been directed: thenceforward the burgesses were to have the right of electing their own Town Councils.

CHAPTER XI.

"THE DISRUPTION," 1833—1843.

THE struggle for burgh and Parliamentary reform had sprung out of comparatively recent conditions, and was mainly due to an awakened interest in public affairs, hitherto limited to a narrow class but now to be found among all ranks of the people. It was otherwise with the great controversy which arose about the very date when political reform gained its decisive victory. The new controversy, of which the disruption of the National Church was to be the inevitable end, had its roots in the time when Scotland, by its adoption of Protestantism as its national religion, placed the Church in a new relation to society and the State. The events of the momentous struggle, the opinions of the conflicting parties, and the different ideals they represented are compact with the national history from the date when it may be said that Scotland first became a nation in any real sense of the word.

When last we heard of the National Church, the decline of Moderatism had already well begun. The conduct of the Moderate leaders in the Leslie case had stultified their past and seriously compromised them in the public estimation. But it was the growing disharmony of Moderatism with the spirit of the time that was slowly but surely to deprive it of its ascendency in the councils of the Church. When Moderatism first arose, it corresponded to the dominant note of the age; now another note was dominant and not *moderation* but *zeal* was the watchword to which men were rallying in every sphere of action. On the other hand, it was precisely in this changed

spirit of the time that the popular party, or, as it now begins to be called, the Evangelical party, in the Church found its opportunity. Its essential characteristic as a party had been its assertion of the rights of the people in opposition to the privileged classes; and on this broad ground it was at one with the political party which was struggling for reform in the secular sphere. Moreover, if the doctrinal teaching of the Evangelicals was rigid and narrow, they preached it with a fervour of conviction which, though it exposed them to the compassion of the Moderates, appealed to growing numbers in the community. It is significant, also, that the majority of the leading men in the Church were no longer Moderates, but Evangelicals. Sir Henry Moncreiff Wellwood, who led the party at the beginning of the 19th century, was followed by Dr Andrew Thomson, and later by Dr Chalmers, all men of apostolic fervour with souls wider than their creed. During the first quarter of the century the Moderates still retained a numerical majority in the General Assembly, yet the spirit of Evangelicalism prevailed more and more in the Church at large. It was in the interests of the Evangelicals that in 1810 Dr Andrew Thomson started the *Edinburgh Instructor*—a publication which, according to Lord Cockburn, did for its party what the *Edinburgh Review* did for the Whigs. It was in the spirit of the same party that in 1817 the Assembly passed an Act against the non-residence of ministers. In 1796 the Assembly had expressed its disapproval of foreign missions: in 1824 Dr Inglis, the leader of the Moderates, himself revived the subject, with the result that in 1829 the Church sent forth its first missionary, Dr Duff, whose labours in India have given him a pre-eminent place in the history of Christian missions in that country. It may be added that it was in the spirit of Evangelicalism rather than of Moderatism that the Church deposed Campbell of Row (1831) and Edward Irving (1834) for the teaching of heresies which were themselves a proof of the quickened religious feeling of the time.

These proceedings of the General Assembly show that Moderatism itself was being influenced by the temper of the age; yet, as the near future was to prove, the two parties in the Church were in reality separated by an opposition of fundamental principles which made their ultimate fusion impossible. Only the occasion was needed to reveal the gulf that divided them; and in 1833 the occasion came. Almost exactly a century before, the question of the respective rights of patrons and congregations in the election of ministers had raised a controversy in the Church which had resulted in the First Secession. A similar ominous question was now raised, and was to be the occasion of more fateful consequences. That the question was brought forward again was a natural result of the conditions of the time. The Dissenters in Scotland, now a numerous body, saw both an injustice and a spiritual crime in the existence of a State Church, and by word and deed were proclaiming that a Church founded on the purely voluntary aid of its members had alone the right to be called a Scriptural Church. What had taken place in the sphere of politics, also, had a direct influence in the sphere of religion. The Reform Bill had extended the franchise to thousands who had not previously possessed it; and, if it was in reason that they should have a voice in the election of a member of Parliament, was it not equally in reason that they should have a voice in the election of their spiritual guide? The Evangelical party in the National Church had never ceased to contend that ministers should not be forced on unwilling congregations, and that the main cause of Dissent had been the over-riding of this principle. Moved at once, therefore, by considerations of principle and advantage, they now took the first portentous step towards a readjustment of the respective claims of patrons and congregations.

In the Assembly which met in 1833 a motion was introduced by the Evangelical party, the object of which was to restore the call of the congregations to the place which it had held before

the reign of the Moderates. The motion was opposed by the other party, which carried a counter-motion by a majority of forty-five. The issue was now fairly joined; and in the following year Dr Chalmers, as leader of the Evangelicals, again threw down the gauntlet. The motion he proposed was to be the beginning of that "Ten Years' Conflict" which now lay before the Church, and whose commencements were ominous of its end. By the terms of the motion the dissent of the majority of the male heads of families was, under certain specified conditions, to be of "conclusive effect against any presentee." The motion was rejected by a majority of twelve; but it was the last great victory the Moderates were to gain in the Assembly. The next year the resuscitated motion was passed by a majority of forty-five, and, known henceforth as the Veto Act, was to be the occasion of all the strife that was to follow. By the same Assembly another Act was passed which was to be a further source of trouble. During recent years there had been erected a number of chapels all over the country, the incumbents of which had not been admitted to full ministerial privileges. In the eyes of the Evangelicals this was a manifest injustice to men who were essentially their spiritual brethren; and the Act, known as the Chapel Act, which removed the disabilities, was passed by a majority of forty-nine—another indication that the tide was running with the popular party[1].

Patrons had become more careful in their selection of incumbents since the close of the preceding century, when Dr Carlyle denounced them as a body; and, as a rule, there was little friction in the operation of the Veto Act which had restored the powers of the congregations. But regarding the Act there had from the first been a suspicion, plainly expressed by its opponents, that in passing it the Assembly had gone beyond its powers. The Act, it was urged, virtually cancelled the Patronage Act of 1711 by destroying the civil

[1] The minority held that in passing the Chapel Act the Assembly went beyond its jurisdiction.

rights of patrons: was it competent for the Assembly thus to over-ride a statute of the realm? The supporters of the Veto Act had been assured by their legal advisers that the Assembly was strictly within its powers in acting as it did, but they were soon to learn that other legal authorities were of a different opinion.

In August following the May in which the Veto Act had been passed, the Earl of Kinnoul presented a Mr Robert Young to the Church of Auchterarder; and the Presbytery duly sustained the presentation. Out of the male heads of families composing the congregation, however, 287 lodged their dissent against the presentee—the objections against him being that he was a feeble preacher and had some personal deformities. In accordance with the Veto Act, the Presbytery was now bound to reject Mr Young; but it did not actually take the step till it received the sanction of the Assembly in the following year (1835). And now followed the consequences predicted by the opponents of the Act. Patron and presentee appealed to the Court of Session; and in November, 1837, the case was tried before the whole bench of judges, the contending parties being represented by the most eminent counsel of the day. Out of the thirteen judges, eight were for the pursuers; and the judgment of the Court was that the Veto Act was contrary to the Patronage Act of 1711, and therefore beyond the competency of the Assembly to have passed. With one accord, the Assembly that met in May, 1838, agreed to appeal to the House of Lords; and in May, 1839, the case came before that tribunal. After pleadings that lasted five days, the appeal was summarily dismissed.

The Auchterarder case would alone have been sufficient to show that the Veto Act had placed the Church in an unhappy predicament; but other cases arose which brought the fact home with convincing force. At Lethendy in Perthshire, a charge in the gift of the Crown, the Presbytery found itself embarrassed by two presentees, one of whom appealed to the

Court of Session, with the result that the Church and the Court were brought into direct conflict. More remarkable, in view of its curious developments, was the case of Marnoch in the Presbytery of Strathbogie, Aberdeenshire. In 1837 the trustees of the Earl of Fife, the patron of the parish, presented a Mr Edwards, who had been assistant to the previous incumbent; but, as out of 300 male communicants only one, a publican, signed the call, the Presbytery, in accordance with an injunction from the General Assembly, rejected the presentee. In view of the situation, the trustees then presented a Mr Henry, thus placing the Presbytery in what was to prove a trying dilemma. Was the Presbytery to take its orders from the Assembly or the Court of Session which had asserted its authority in the case of Auchterarder? A majority of the Presbytery (seven to four) decided in favour of the latter alternative—a decision which woke a storm of indignation in the party responsible for the Veto Act. There followed a hopeless imbroglio, little to the edification of a bewildered public. A Commission appointed by the Assembly of 1838 censured the majority in the Presbytery for putting Caesar before the Church; and a fortnight later the Court of Session enjoined the same body to proceed to the induction of Mr Edwards should he be found a qualified person. Which of the two conflicting authorities was to receive obedience? The majority of the Presbytery, choosing to be on the safe side of the law, took the necessary steps in favour of Mr Edwards. By a vote of 121 to 14 the Assembly then suspended the recalcitrant seven; and thus there were now two presbyteries in Strathbogie—one taking its orders from the Court of Session, the other from the Assembly. Which of the two was to minister to the spiritual wants of the people of Strathbogie? Here was another occasion of conflict between the Civil Court and the Church. The Assembly instructed the obedient four to make the necessary provision; but on the petition of the suspended seven the Court of Session again intervened. The

final act came in 1841—four years after the case had arisen. By the Assembly which met that year the seven members who had defied its mandate were deposed from the ministry; and Mr Edwards, the presentee who had been the cause of all the trouble, was deprived of his license. The Assembly had thus set at naught the decisions of the Court of Session, and was promptly reminded of the fact. The day following the deprivation of Edwards an interdict was served at the door of the Assembly, and amid the violent protests of members was laid on the table of the House.

Throughout all this turmoil the will of the popular party had prevailed in the Assembly; and the effect of the conflict with the secular courts had been to swell their numbers both in and outside the House. But there was also another result which every day had become more manifest—the growing antagonism between the two parties who divided the Church. Immediately after the judgment of the House of Lords in the Auchterarder case (May, 1839), Dr Cook, the leader of the Moderates, moved in the Assembly that, in view of that judgment and that of the Court of Session, the Veto Act should be set aside. He was followed by Dr Chalmers, who in a speech of three hours' length vehemently protested against the spiritual privileges of the Church being over-ridden by the State, and moved for a committee to consider the questions at issue. Chalmers' motion was carried by a majority of forty-nine; but Dr Cook, who had opposed the Veto Act from the first, declined to act on the committee appointed. The Assembly being thus divided on a vital question, disaster appeared to be imminent. Two deputations which were sent to Lord Melbourne (1839, 1840), with the object of making terms with the Government, led to no result—the Whigs being then in no position to essay bold measures. In May, 1840, Lord Aberdeen introduced a bill in the House of Lords with the object of adjusting the rights of presbyteries and congregations; but a majority in the Assembly rejected his proposals as

involving a surrender of their principles. In the following year another attempt was made to heal the fatal breach. By the terms of a bill, drafted by the Duke of Argyle, the Veto Act would have virtually received the sanction of the State. A majority of 125 in the Assembly approved of the measure, but it failed to pass the House of Lords.

When the long controversy began, there were few even among the popular party who desired to see patronage abolished; but the course of events had convinced an increasing number that patronage was the root of all the evils that were affecting the Church. It was patronage, they urged, that had been the chief cause of the various secessions from the National Church; it was patronage that kept these bodies out of its fold and must be a permanent source of trouble in the future. In the Assembly that met in 1841, the Rev. William Cunningham, one of the ablest and most advanced of the popular party, moved that patronage should be abolished, on the double ground that it was unscriptural and that it was a grievance to the Church. The motion was defeated by a majority of three; but the proceedings in the Assembly of the following year afforded a notable proof of the rapidity with which the popular sentiment was growing. Not only did that Assembly pass a petition to the Government against patronage, but by a large majority (241 against 111) it gave its sanction to the memorable document which, as it proved, was to be the ultimatum of the Evangelical party. This document, entitled "Claim, Declaration, and Protest," but popularly known as the "Claim of Rights," summarised the opinions of the majority regarding the past relations of Church and State in Scotland and the recent proceedings of the Court of Session,—its purport and conclusion being that the invasions of the State in the spiritual domain had been such that the Church of Scotland had ceased to be a Church of Christ. It was only a desperate hope that, in view of the implied menace, the Government (now that of Sir Robert Peel) would concede the

demands made in the "Claim"; and it was even to the relief of many of the Non-Intrusionists that in January, 1843, the Government's answer closed the door against further negotiations.

In view of the attitude implied in the Claim, there was now but one alternative before the Non-Intrusionists, and they were already preparing to meet it. In November, 1842, at a Convocation held in Edinburgh, 427 ministers out of 465 who were present bound themselves to secede from the Church should its wrongs not be righted. In contemplation of the impending secession, associations were formed and circulars issued with the object of securing funds for building churches and providing for ministers. On the 18th of May, 1843, met the last Assembly in which the united Church was to be represented. The Marquis of Bute was the Lord High Commissioner; the Moderator, Dr Welsh, one of the leaders of the Non-Intrusionists. Even to the last there was a faint hope that the customary royal letter to the Assembly might save the situation; but the hope proved delusive, and the end had come. After his usual prayer, the Moderator produced a document which he proceeded to read. It was a protest signed by two hundred and three members of Assembly, in which were stated their reasons for the secession. Having read the protest he laid it on the table of the House, bowed to the Commissioner, and left the Assembly, followed by above four hundred ministers, Dr Chalmers and the other leaders of the party heading the procession. In another part of the town a hall, named Tanfield, had been prepared to receive them; and there the seceders, having chosen Dr Chalmers as their Moderator, formally constituted themselves the "Free Church of Scotland." The dismembered body that now represented the National Church gave emphatic expression to its principles by unanimous resolutions to repeal the Chapel Act and to ignore the Veto.

The Disruption was a disaster to the National Church, but

it can hardly be regarded as a disaster to the national religion. For upwards of a century the spectacle had been seen of two sections in the Church in chronic antagonism, and engaged in never-ending strife for the direction of its councils. A common policy in the religious interests of the people had hitherto proved impossible; and, so long as the two parties existed within the Church, it could not be possible. Underlying the disputes regarding the Chapel Act and the Veto Act was an essential difference of spirit, which involved opposing conceptions of life, of doctrine, of spiritual agencies. Such being the relations of Moderates and Evangelicals, it was necessary and desirable that they should part company in the interests of the religion they both professed. Both parties, with their respective religious types, had their own following in the community; and they would now be able to pursue their own methods, each in its own fashion.

The history of religious effort in Scotland since the day of the great secession certainly bears a favourable comparison with that of any previous period. Since the Disruption the various religious bodies have moved in the direction of union rather than of schism which in the past had been the affliction of religion in Scotland. In 1847 came the union of the Relief Synod and the Associate Synod, and the consequent formation of "The United Presbyterian Church." In 1902 followed the union of that body with the Free Church of Scotland, though a recalcitrant minority of the latter protested against the step and now forms a separate denomination, declared by an astonishing judgment of the House of Lords to be the legal Free Church[1]. As each of the main religious bodies, moreover, has been informed by one spirit, the result has been a harmony of effort impossible in a Church divided against itself. Another characteristic of the period since the Disruption has been the gradual assimilation of spirit and doctrine

[1] This judgment of the House of Lords reversed a previous unanimous decision given by the Court of Session.

in the principal religious bodies. Between the representative men in each there no longer exist such differences of opinion as divided Evangelical and Moderate. Questions which were once regarded as fundamental and were the cause of irreconcilable differences cease more and more to interest the clergy and their congregations. New problems have arisen, on the solution of which depend the very existence of Churches as institutions adequate to cope with the social and intellectual needs of the time; and nowhere, it may be said, have the clergy more strenuously set themselves to solve these problems than in Scotland.

Political reform and the ecclesiastical conflict were the two dominant public questions in Scotland during the first half of the 19th century; but, apart from politics and religion, the national development throughout the period more than fulfilled the brilliant promise of the latter half of the 18th. Proportionately to her population and her natural resources, Scotland has made her full contribution to the material and spiritual building up of the Empire of which she is a constituent part. In trade and commerce and in all modern industries her people have displayed the vigour and the aptitudes demanded in the international struggle for the markets of the world. Of individual men, whose destiny it is to lead their fellows, it is acknowledged that Scotland has been a prolific nurse. In every department of national activity Scotsmen have played even more than their proportionate part. At home more than their proportional share has fallen to them of public trust and responsibility; and still more noteworthy has been their participation in the fortunes of the Empire beyond the seas. Nor in the ideal domain of thought and imagination, where is found the ultimate test of national greatness, has Scotland been barren. In the same first half of the 19th century two of her sons spoke to the world as no other writers of the time spoke. Of Sir Walter Scott it has been said that his work has given more wholesome pleasure to a greater number of readers

than the work of any other writer; and within the same age the most inspiring word uttered to his generation was that of another Scot, Thomas Carlyle. As co-partner in the destinies of Britain's Empire, therefore, Scotland may fairly claim to have borne her own burden and to have made her own contribution to the general well-being of the nations.

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